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QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY FORM OF DETENTION OR IMPRISONMENT

QUESTION OF ENFORCED OR INVOLUNTARY DISAPPEARANCES

Report of the Working Group on Enforced or Involuntary Disappearances

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Introduction

1. The present report of the Working Group on Enforced or Involuntary Disappearances is submitted pursuant to Commission on Human Rights resolution 1994/39, entitled "Question of enforced disappearances". 1/ In addition to the specific tasks entrusted to the Working Group by the Commission in its resolutions 1992/30, 1993/35 and 1994/39, the Group has also taken into account other mandates stemming from a number of resolutions adopted by the Commission, entrusted to all special rapporteurs and working groups. These are explained in chapter II, section A "Legal framework for the activities of the Working Group". All these tasks have been given due attention and consideration by the Working Group in the course of 1994.

2. During the year under review, the Working Group continued to carry out the activities it has undertaken since its establishment. Its primary role, which it has described in previous reports, is to act as a channel of communication between families of the disappeared persons and the Governments concerned, with a view to ensuring that sufficiently documented and clearly identified individual cases are investigated and the whereabouts of the disappeared persons clarified. Since its inception, the Working Group has analysed thousands of cases of disappearance and other information received from Governments and non-governmental organizations, individuals and other sources of information from all over the world in order to ascertain whether such material falls under the Working Group's mandate and contains the required elements; entered cases into its database; transmitted those cases to the Governments concerned, requesting them to carry out investigations and to inform the group about their results; forwarded the Governments' replies to relatives or other sources; followed-up investigations carried out by the Governments concerned, as well as the inquiries made by the relatives or other agencies or organizations; maintained a considerable correspondence with Governments and the sources of information in order to obtain details on the cases and the investigations; and examined allegations of a general nature concerning specific countries with regard to the phenomenon of disappearances. It also examined other matters related to its mandate with a view to submitting concrete suggestions and recommendations to the Commission, in particular as regards the Working Group's role in the application of the Declaration on the Protection of All Persons from Enforced Disappearance.

1/ Since its creation in 1980, the Working Group has submitted a report to the Commission annually, starting at the Commission's thirty-seventh session. The document symbols of the last 14 reports are as follows: E/CN.4/1435 and Add.1; E/CN.4/1492 and Add.1; E/CN.4/1983/14; E/CN.4/1984/21 and Add.1 and 2; E/CN.4/1985/15 and Add.1; E/CN.4/1986/18 and Add.1; E/CN.4/1987/15 and Corr.1 and Add.1; E/CN.4/1988/19 and Add.1; E/CN.4/1989/18 and Add.1; E/CN.4/1990/13; E/CN.4/1991/20 and Add.1; E/CN.4/1992/18 and Add.1; E/CN.4/1993/25 and Add.1; E/CN.4/1994/26 and Corr.1 and 2 and Add.1.

3. As in previous years, the Working Group has continued to apply the urgent action procedure in cases that allegedly occurred within three months preceding the receipt of the report by the Group, and has also promptly intervened with Governments in cases in which relatives of missing persons, or other individuals or organizations which have cooperated with the Group, or their legal counsel, have been subjected to intimidation, persecution or other reprisals.

4. The total number of cases being kept under active consideration as they have not yet been clarified now stands at 42,857. In 1994, the Working Group continued to process a backlog of some 8,463 reports submitted to it in 1991 and in 1993 and received some 838 new cases of disappearance in 29 countries. The number of countries with outstanding cases of alleged disappearances was 62 in 1994. At the time of writing, a backlog of about 300 cases had not yet been examined due to the chronic lack of resources suffered by the Centre for Human Rights. An exceptional effort on the part of the staff servicing the Working Group has enabled a total of 9,301 cases to be processed this year.

5. As in the past, the present report reflects only communications or cases examined before the last day of the third annual session of the Working Group, which was 9 December 1994. Urgent action cases which may have to be dealt with between that date and the end of the year, as well as communications received from Governments after 9 December 1994, will be reflected in the Working Group's next report. The graphs contained in the annexes to the report do not include the year under consideration because, in the Working Group's experience, many cases are received only the following year, so that the column for the current year would not properly reflect the actual situation in a given country.

6. In 1994, the Working Group undertook a review of its methods of work and, in particular, the format of its report. In so doing, it was guided by resolution 1994/39, paragraph 17, in which the Commission on Human Rights requested the Working Group to take into account the provisions of the Declaration on the Protection of All Persons from Enforced Disappearances and to modify its working methods if necessary. It also requested the Working Group, in paragraph 18, to identify obstacles to the realization of the provisions of the Declaration and to recommend ways of overcoming those obstacles. The Working Group also kept in mind the repeated calls by the General Assembly to reduce the excessive length of reports, and Commission resolution 1993/94, paragraph 1, in which the Commission decided that all reports submitted to it should follow the standards and guidelines established by the General Assembly and that they should, as much as possible, not exceed the desirable 32-page limit.

7. At its forty-second session, the Group decided to revise the format of its annual report. To this end, it will reflect its correspondence with Governments and non-governmental organizations in chapters I.B and I.C, rather than in each country chapter. The statistical summary is now to be found at the end of the report, with all countries grouped together in order to save space. It is obvious that these measures make it impossible to give full or detailed information in the report concerning each and every major decision affecting the Group's work. It is also not possible to reproduce in full, or

in great length, contributions received from Governments and non-governmental organizations. The main arguments made will, however, be reflected and the full text of communications of a general nature will be available for consultation in the secretariat. The Commission will also note that the Working Group has, for the first time, included observations on the situation of disappearances in countries with over 1,000 reported cases of disappearance, or with more than 50 cases which have allegedly occurred in the current year.

I. ACTIVITIES OF THE WORKING GROUP ON ENFORCED OR INVOLUNTARY DISAPPEARANCES IN 1994

A. Legal framework for the activities of the Working Group

8. The legal framework for the activities of the Working Group has been extensively described in its reports to the Commission on Human Rights at its forty-first to fiftieth sessions.

9. In resolution 1992/30, adopted at its forty-eighth session, the Commission, profoundly concerned that the practice of enforced or involuntary disappearances was continuing in various regions of the world, decided to extend for three years the mandate of the Working Group as defined in Commission resolution 20 (XXXVI), in order to enable the Group to take into consideration all such information as might be communicated to it on cases brought to its attention, while retaining the principle of annual reporting by the Group.

10. In its resolution 1994/39, the Commission requested the Group to report on its work to the Commission at its fifty-first session, and to continue to discharge its mandate discreetly and conscientiously; it also requested the Group to submit to the Commission all information it deemed necessary and any specific recommendations it might wish to make regarding the fulfilment of its tasks; to take into account the provisions of the Declaration on the Protection of All Persons from Enforced Disappearance, and to modify its working methods if necessary; to pay attention to cases of children subjected to enforced disappearance and children of disappeared parents and to cooperate closely with the Governments concerned to search for and identify these children. The Commission also took note with interest of the proposal of the Working Group to establish a special procedure concerning the question of enforced disappearances in the territory of the former Yugoslavia under the joint responsibility of one member of the Working Group and the Special Rapporteur on human rights in the former Yugoslavia.

11. In the same resolution, the Commission noted with concern that some Governments had never provided substantive replies concerning enforced disappearances alleged to have occurred in their countries, and urged Governments to cooperate with the Working Group by replying expeditiously to the Working Group's requests for information and also with regard to any measure taken pursuant to recommendations addressed to them by the Group; to take legislative or other steps to prevent and punish the practice of enforced disappearance; to take steps to ensure that, when a state of emergency was introduced, the protection of human rights was guaranteed, particularly as regards the prevention of enforced or involuntary disappearances; and to take steps to protect the families of disappeared persons against any intimidation or ill-treatment to which they might be subjected. The Commission also encouraged States to provide concrete information on measures taken to give effect to the Declaration, as well as obstacles encountered.

12. The Commission also reminded Governments of the need to ensure that their competent authorities conducted prompt and impartial inquiries whenever there was reason to believe that an enforced or involuntary disappearance had occurred in any territory under their jurisdiction, and recalled that, if

allegations were confirmed, perpetrators should be prosecuted. The Commission, for the eighth time, repeated its request to the Secretary-General to ensure that the Working Group received all necessary assistance, in particular the staff and resources it required to perform its functions.

13. The Working Group has, furthermore, carefully considered and, where appropriate, acted on provisions of the following resolutions which amplify the Group's mandate as contained in resolutions 20 (XXXVI), 1992/20, 1993/35 and 1994/39.

14. In its resolution 1994/31, the Commission requested the Secretary-General to again undertake consultations with a view to identifying individual experts who might be asked to join forensic teams or to provide advice or assistance to thematic or country mechanisms, advisory services and technical assistance programmes, and to establish, on the basis of these consultations and of continuing efforts of the Working Group, a list of such experts.

15. In its resolution 1994/33, the Commission invited once again the working groups and the special rapporteurs to pay attention, within the framework of their mandates, to the situation of persons detained, subjected to violence, ill-treated or discriminated against for having exercised the right to freedom of opinion and expression. Indeed, many of the disappearances reported to the Working Group may have been caused by the fact that persons have exercised this right. To the extent possible, the Group has tried to reflect in its report relevant information received on this subject.

16. In its resolution 1994/42, the Commission requested the existing human rights mechanisms, including the Working Group on Enforced or Involuntary Disappearances, to examine as appropriate the cases involving the human rights of staff members of the United Nations system and their families, as well as experts, special rapporteurs and consultants and to transmit the relevant part of their reports to the Secretary-General for inclusion in his report to the Commission on Human Rights. No cases of disappearance of the above-mentioned category of persons were received by the Working Group during the period under review.

17. In its resolution 1994/45, the Commission requested all special rapporteurs and working groups of the Commission and the Sub-Commission, in the discharge of their mandates, regularly and systematically to include in their reports available information on human rights violations against women, and in its resolution 1994/53, the Commission called on the thematic special rapporteurs and working groups to include in their reports gender-disaggregated data. Such data have, to the extent possible, been included in the statistical summary of countries found in the annexes to the present report.

18. In its resolution 1994/46, the Commission urged all special rapporteurs and working groups to address as appropriate the consequences of the acts, methods and practices of terrorist groups. The Working Group has taken into consideration information received in this connection and reflected it in the appropriate country subsections.

19. In its resolution 1994/67, the Commission invited the special rapporteurs and working groups concerned to continue to pay due attention, within their mandates, to the matter of civil defence forces in relation to the protection of human rights and fundamental freedoms. The Working Group has reflected any information received in this connection in the relevant country subsections.

20. In its resolution 1994/68, the Commission called upon relevant rapporteurs, working groups and experts, in accordance with their mandates, to seek information on situations which could lead to internal displacement and to include relevant information and recommendations thereon in their reports to the Commission. The Working Group has reflected information received in this connection in the relevant country subsections.

21. In its resolution 1994/69, the Commission invited its special rapporteurs and representatives, as well as working groups to continue to include in their recommendations, whenever appropriate, proposals for specific projects to be realized under the programme of advisory services.

22. In its resolution 1994/70, the Commission requested all representatives of United Nations human rights bodies, as well as treaty bodies monitoring the observance of human rights, to continue to take urgent steps, in conformity with their mandates, to help prevent the occurrence of intimidation, and reprisals. The Commission further requested such representatives to include in their respective reports a reference to allegations of intimidation or reprisal, as well as an account of action taken by them in that regard. The Working Group has reflected in the country subsections cases in which it has taken action in the framework of its prompt intervention procedure.

23. In its resolution 1994/72, the Commission noted with interest the proposal of the Working Group on Enforced Disappearances concerning the question of enforced disappearances in the territory of the former Yugoslavia and requested the Working Group, represented by one of its members, to cooperate as appropriate with the Special Rapporteur in dealing with that issue. The Chairman of the Working Group appointed Mr. Manfred Nowak to cooperate with the Special Rapporteur on the former Yugoslavia in this matter. A report on his activities carried out in this regard may be found in document E/CN.4/1995/37.

24. In its resolution 1994/87, the Commission recommended that the thematic rapporteurs and working groups of the Commission should continue to keep a close watch on the situation of human rights in Zaire. During 1994, the Working Group transmitted four new cases of disappearances to the Government of Zaire.

25. In its resolution 1994/93, the Commission called on special rapporteurs, special representatives and working groups of the Commission and of the Sub-Commission, within their mandates, to pay particular attention to the plight of street children. The Working Group has paid close attention to this resolution, but has received no allegations concerning the disappearance of street children in 1994.

26. In its resolution 1994/95, the Commission requested all special representatives, special rapporteurs, independent experts and thematic working

groups to include in their reports, where appropriate, a section on the implementation of the recommendations contained in the Vienna Declaration and Programme of Action. In paragraph 62 of the Vienna Programme of Action, the World Conference on Human Rights, welcoming the adoption of the Declaration on the Protection of All Persons from Enforced Disappearance, called upon all States to take effective legislative, administrative, judicial or other measures to prevent, terminate and punish acts of enforced disappearances. The World Conference on Human Rights reaffirmed that it was the duty of all States, under any circumstances, to make investigations whenever there was reason to believe that an enforced disappearance has taken place on a territory under their jurisdiction and, if allegations were confirmed, to prosecute its perpetrators. In accordance with the Vienna Programme of Action and the respective request of the Commission, the Working Group has further developed its efforts to monitor the compliance of States with the provisions of the Declaration on the Protection of All Persons from Enforced Disappearance.

B. Meetings and missions of the Working Group

27. The Working Group held three sessions in 1994. The forty-second session was held in New York from 9 to 13 May, and the forty-third and forty-fourth sessions were held at Geneva from 29 August to 2 September and from 29 November to 9 December, respectively. During these sessions, the Working Group met with representatives of the Governments of Angola, Argentina, Kuwait, Morocco, Nicaragua, Peru and the national human rights commission of Mexico. It also met with representatives of human rights organizations, associations of relatives of missing persons, families or witnesses directly concerned with reports of enforced disappearances.

28. As in previous years, the Working Group examined information on enforced or involuntary disappearances received from both Governments and non-governmental organizations and decided, in accordance with its methods of work, on the transmission of such reports or observations received thereon to the Governments concerned. It also requested Governments to provide complementary information whenever necessary for the clarification of cases.

29. From 3 to 11 July 1994, one member of the Working Group, Mr. Manfred Nowak, in the framework of the special process on missing persons in the former Yugoslavia, carried out a visit to parts of the territory of the former Yugoslavia in order to initiate contacts with governmental authorities, non-governmental organizations and relatives of missing persons, to explain his mandate and methods of work. His report is contained in document E/CN.4/1995/37.

C. Communications with Governments

30. In 1994, the Working Group transmitted 9,301 new cases of enforced or involuntary disappearance to the Governments concerned. Among these cases, approximately 838 were received in 1994, while the rest were part of the Working Group's backlog; 221 of the cases transmitted were reported to have occurred in 1994; 174 were transmitted under the urgent action procedure, of which 53 were clarified during the year. The majority of newly reported cases which allegedly occurred in 1994 relate to Colombia, Ethiopia, Mexico, Togo

and Turkey. Many of the cases received were referred back to the sources as they lacked one or more elements required by the Working Group for their transmission or because it was not clear whether they fell within the Working Group's mandate; other cases were considered inadmissible within the context of that mandate.

31. By letters dated 28 January and 11 July 1994, the Working Group reminded the Governments concerned of reports of disappearance transmitted during the previous six months under the urgent action procedure.

32. By letter dated 15 June 1994, the Working Group reminded all Governments of the total number of outstanding cases remaining before them and, when requested, retransmitted the summaries of those cases or the diskettes containing those summaries to them.

33. As has been its practice in the past, following each of its three sessions, the Working Group informed the Governments of decisions it had made with respect to cases of disappearance in their countries. To this end, the Working Group sent letters on 15 June, 19 September and 9 December 1994 to the Governments concerned informing them whether a case had been clarified, on the basis of information provided by the source or the Government; whether a case had been placed under the six-month rule; retransmitted to the Government updated with new information from the source; or whether the information submitted by the Government with respect to a specific case was insufficient to consider the case clarified. The Group also transmitted to Governments concerned observations provided by the sources on the Government's replies.

34. By letter dated 3 August 1994, the Working Group addressed another communication to Governments concerning the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance. This letter was sent to countries which have cases of disappearances pending on the Working Group's books and which did not respond to its letter last year. In order to guide Governments in this task, a questionnaire was enclosed relating to specific provisions of the Declaration.

35. On 19 September 1994, the Working Group transmitted the general allegations which it had received from non-governmental organizations to the Governments concerned.

36. The Working Group, on 20 September 1994, addressed a communication to those Governments which had never responded to any of the Group's requests for information on the fate and whereabouts of the persons reported disappeared in their respective countries. The Working Group expressed grave concern at this lack of cooperation, and stated that it was contemplating drawing particular attention to this problem in its report to the Commission at its fifty-first session. It requested those Governments to provide it with any comments which they wished to make in respect of the outstanding cases of disappearances. This letter was sent to the Governments of the following countries: Afghanistan, Angola, Burkina Faso, Burundi, Equatorial Guinea, Mauritania, Mozambique, Saudi Arabia and Tajikistan. The Governments of Angola and Mauritania subsequently replied.

37. By letters dated 20, 23 and 27 September 1994, the Working Group addressed a communication to those countries where a number of very old cases of disappearance appear on the Group's books, seeking to examine, together with the Governments concerned, what to do with such cases, taking into account, of course, the legitimate human rights concerns of the families. These letters were sent to the Governments of the following countries: Argentina, Brazil, Chile, El Salvador, Guatemala, Honduras, Lebanon, Morocco, Nicaragua, Paraguay, Peru, Philippines, South Africa and Uruguay. During its forty-fourth session, the Working Group exchanged views, in this regard, with representatives of the Governments of Argentina, Morocco and Nicaragua.

D. Communications with non-governmental organizations and relatives of missing persons

38. The Working Group has continued to attach great importance to its contacts with non-governmental organizations and relatives of missing persons, and maintained close contact with sources of information throughout the year, informing them on a regular basis of the state of its investigation into cases of concern to them, as well as the replies it had received from Governments in this respect. The Group also invited these organizations to present information at its three annual sessions and to submit observations relating to the general situation affecting the phenomenon of disappearances in countries of importance to them. The Group received a great deal of information orally and in writing from them.

39. On 3 August 1994, the Working Group sent a similar letter as that which it sent to Governments to a number of non-governmental organizations concerning the implementation of the Declaration in countries of concern to them.

40. As in previous years, the Working Group received reports and expressions of concern from non-governmental organizations, associations of relatives of disappeared persons and individuals about the safety of persons actively engaged in the search for missing persons, in reporting cases of disappearance or in the investigation of cases. In some countries, the mere fact of reporting a disappearance entailed a serious risk to the life or security of the person making the report or to his or her family members. In addition, individuals, relatives of missing persons and members of human rights organizations were frequently harassed and threatened with death for reporting cases of human rights violations or investigating such cases.

E. Special process on missing persons in the territory of the former Yugoslavia

41. Over 11,000 cases of disappearance in the former Yugoslavia were reported to the Working Group in 1992, most of which occurred during the hostilities between Croatian forces and the Yugoslav national army in 1991.

42. As the Working Group's mandate does not cover international armed conflicts, these cases were not taken into consideration, and the Group sought guidance from the Commission at its forty-ninth session on how best to deal with them. Subsequently, the Commission adopted resolution 1993/7,

in which it requested the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, in consultation with the Working Group on Enforced or Involuntary Disappearances and the International Committee of the Red Cross, to develop proposals for a mechanism to address the subject of disappearances in the former Yugoslavia. To this end, one member of the Working Group, Mr. Toine van Dongen, carried out a mission to the region in August 1993 in order to study the issue and determine which mechanism might be proposed with a view to elucidating the fate and whereabouts of the missing persons. Subsequently, the Commission on Human Rights, at its fiftieth session, after having considered the report of the Working Group which included an addendum on the said mission (E/CN.4/1994/26/Add.1), in paragraph 24 of its resolution 1994/72, requested the Working Group, represented by one of its members, to cooperate as appropriate with the Special Rapporteur in dealing with the issue of missing persons. In this connection, the Chairman of the Working Group designated Mr. Manfred Nowak as the Working Group's representative in the special process.

43. The special process on missing persons in the territory of the former Yugoslavia has been established as a joint mandate of the Special Rapporteur on the situation of human rights in the territory of the former Yugoslavia, Mr. Tadeusz Mazowiecki, and one member of the Working Group, Mr. Manfred Nowak. To implement this joint mandate in the most efficient way, taking into account the strictly humanitarian and non-accusatory nature of the special process, it was agreed that Mr. Nowak carry out the mandate as the person in charge of dealing with the relatives of missing persons, as well as with all governmental, intergovernmental and non-governmental institutions concerned. The Special Rapporteur does not take any active role in implementing the mandate. However, the field offices of the Centre for Human Rights which service the mandate of the Special Rapporteur provide material and logistical support to the special process.

44. The activities of Mr. Nowak aimed at tracing thousands of missing persons in the Republics of Croatia and Bosnia and Herzegovina, including his visit to both countries from 3 to 11 July 1994, are summarized in his report to the Commission (E/CN.4/1995/37).

F. Implementation of the Declaration on the Protection of All Persons from Enforced Disappearance

45. The proclamation by the General Assembly on 18 December 1992 in its resolution 47/133 of the Declaration on the Protection of All Persons from Enforced Disappearance was a milestone in the united efforts to combat the practice of disappearance. Many proposals and recommendations which the Working Group has adopted over the years and included in its annual reports have been reflected in the Declaration. In accordance with the Declaration, the systematic practice of disappearance is of the nature of a crime against humanity and constitutes a violation of the right to recognition as a person before the law, the right to liberty and security of the person, and the prohibition of torture, and it also violates or constitutes a grave threat to the right to life. States are under an obligation to take effective legislative, administrative, judicial or other

measures to prevent and terminate acts of enforced disappearance, in particular to make them continuing offences under criminal law and to establish civil liability.

46. The Declaration also refers to the right to a prompt and effective judicial remedy, as well as unhampered access of national authorities to all places of detention, the right to habeas corpus, the maintenance of centralized registers of all places of detention, the duty to investigate fully all alleged cases of disappearance, the duty to try alleged perpetrators of disappearances before ordinary (not military) courts, the exemption of the criminal offence of acts of enforced disappearance from statutes of limitations, special amnesty laws and similar measures leading to impunity.

47. The World Conference on Human Rights, held at Vienna from 14 to 25 June 1993, welcomed the adoption of the Declaration and called upon all States to take effective measures to prevent, terminate and punish acts of enforced disappearances. The World Conference also reaffirmed the duty of all States to investigate past cases of disappearance and to prosecute its perpetrators.

48. In its resolutions 1993/35 and 1994/39, the Commission on Human Rights, invited all governments to take appropriate legislative or other steps to prevent and punish the practice of enforced disappearances, with special reference to the Declaration and to take action to that end nationally, regionally and in cooperation with the United Nations. In the same resolutions, the Commission requested the Working Group to take into account the provisions of the Declaration, and invited it to cite in future reports any obstacles to the proper application of the Declaration and to recommend means of overcoming them.

49. Accordingly, the Working Group, in July 1993, requested all Member States to provide it with information on the action they had taken to implement the provisions of the Declaration at the national level and what, if any, obstacles had been encountered. Similarly, non-governmental organizations were invited to provide relevant information. On the basis of various replies received from Governments and non-governmental organizations, a number of major obstacles to the proper implementation of the Declaration were cited in last year's report of the Working Group. In addition, the Working Group recommended that the Commission on Human Rights should establish a system of State reports to be examined by the Working Group.

50. On 3 August 1994, the Working Group sent a questionnaire to all States, in which it requested information on the measures taken to give effect to the Declaration, as well as obstacles encountered (see annex I).

51. At the time of the adoption of the present report, the Governments of the following countries had provided replies to the Working Group's questionnaire: Argentina, Chile, Egypt, Greece, Guatemala, Kuwait, Morocco, the Philippines and Sudan. Of the non-governmental organizations addressed, the Latin American Federation of Families of Disappeared Detainees and

Relatives of the Persons Abducted, Detained and Disappeared in Ayacucho, Peru, transmitted observations on obstacles to the proper implementation of the Declaration.

52. Summaries of the replies received from Governments are reproduced in the respective country sections. Much emphasis was put on constitutional and procedural safeguards relating to the right to personal liberty. The specific provisions of the Declaration aimed at preventing and punishing acts of enforced disappearance seem, however, not to be adequately reflected in domestic legislation.

53. There are indications that in the time that has elapsed since the Declaration was adopted the application of its main provisions has run into serious difficulties in most of the States concerned. With some exceptions, States have not, generally speaking, begun to take consistent steps to incorporate in their national legislation the principles set out in the Declaration. This is especially true in regard to the characterization of acts of enforced disappearance as offences under criminal law (art. 4) and as a continuing offence (art. 17), or the prohibition on persons who have committed this offence benefiting from any special amnesty law or similar measures (art. 18).

54. The Working Group has repeatedly insisted that independent and effective administration of justice is essential in curbing enforced disappearances. The Declaration speaks of the need for a "right to a prompt and effective judicial remedy as a means of determining the whereabouts or state of health of persons deprived of their liberty and/or identifying the authority ordering or carrying out the deprivation of liberty" (art. 9). The Declaration goes on to stipulate that "each State shall ensure that the competent authority shall have the necessary powers and resources to conduct the investigation effectively, including powers to compel attendance of witnesses and production of relevant documents and to make immediate on-site visits" (art. 13, para. 2). Two years after the adoption of the Declaration, the Working Group notes with concern that few efforts have been made to comply with these basic provisions. The lack of suitable judicial resources, the lack of independence of the judicial apparatus and the difficult conditions in which it performs its functions when it has been willing to do so, have been serious stumbling blocks to compliance with the Declaration. More effective action by States in this regard is essential and the international community must extend its full cooperation.

55. The intolerable practices of harassment, threats, physical attacks and killings of the family members of disappeared persons, witnesses to disappearance or representatives of non-governmental organizations, as reprisals for action to locate the whereabouts of disappeared persons affect essential aspects of human rights and of clear principles set out in the Declaration. It explicitly stipulates that complainants, counsel and witnesses shall be "protected against ill-treatment, intimidation or reprisal" (art. 13, para. 3) and that "steps shall be taken to ensure that any ill-treatment, intimidation or reprisal or any other form of interference on the occasion of the lodging of a complaint or during the investigation procedure is appropriately punished" (art. 13, para. 5). It is essential that priority be given to fulfilling these provisions.

56. In order to make States better aware of their various responsibilities under the Declaration, a more effective and institutionalized monitoring procedure is essential. The Working Group, therefore, reiterates its proposal contained in last year's report to establish a periodic reporting system aimed at a fruitful dialogue between Governments and international expert bodies. As a first step, the Working Group introduces in the present report country specific observations to a limited number of Governments.

II. INFORMATION CONCERNING ENFORCED OR INVOLUNTARY DISAPPEARANCES IN VARIOUS COUNTRIES REVIEWED BY THE WORKING GROUP

Afghanistan

57. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Afghanistan. However, a review of the outstanding cases in Afghanistan revealed that four cases, in which the persons concerned were reportedly abducted in the territory of Pakistan in 1985 by an Afghan militia commander, were erroneously sent to the Government of Afghanistan in 1986. In accordance with the Working Group's methods of work, these cases should have been transmitted to the Government of Pakistan, since this is the country in which the persons were reportedly last seen, and a copy of the cases sent to the Government of Afghanistan. The cases have now been sent to the Government of Pakistan, and removed from the statistics of Afghanistan and added to those of Pakistan. There are, therefore, only two outstanding cases of disappearance on the Working Group's books for Afghanistan.

58. Although many more cases of disappearance may have occurred in Afghanistan, in particular during the period 1978-1979, individual cases have not been brought to the Working Group's attention to allow it, in accordance with its methods of work, to take action.

59. Although numerous reminders have been sent, no information has ever been received by the Working Group from the Government of Afghanistan with regard to the outstanding cases. The Working Group, therefore, is unable to report on the fate and whereabouts of the disappeared persons.

Algeria

60. During 1994, the Working Group transmitted, for the first time, one case of disappearance to the Government of Algeria under the urgent action procedure.

61. The above-mentioned disappearance is said to have occurred in the area of Rass-el-Oued Willaya de Bordj-Bon-Arreridj on 22 July 1994. Members of the Algerian security forces were alleged to be responsible. The victim, a 38-year-old man, was reportedly abducted from his home together with 40 other persons in the area.

62. No information has been received by the Working Group from the Government of Algeria with regard to this case. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared person.

Angola

63. During 1994, no new cases of disappearance were reported to the Working Group, notwithstanding the resumption of violence in the country.

64. The outstanding cases concern six men and one woman who were allegedly arrested in 1977 by the Angolan security forces, in particular by the DISA (Angolan information and security forces). Some of the disappearances are related to an attempted coup on 27 May 1977.

Information received

65. The Government of Angola which, has recently opened a new Permanent Mission in Geneva, informed the Working Group that the resurgence of the war in the country, had prevented it from replying to the letters of the Working Group within an acceptable period of time. It said that the situation in Angola, when disappearances occurred in 1977, was extremely unstable. It was marked, on the one hand, by the lack of experience of a State which had started out in 1975 with a burdensome legacy and, on the other hand, by the weak institutions of a newly independent country.

66. As a consequence of the violent attempted coup d'état perpetrated by a number of insurrectionists, including three individuals listed by the Working Group as disappeared persons, tens of thousands of people were left dead. The main parties involved in the coup d'état were executed by firing squad. This was the case with the three above-mentioned persons. With regard to the four other cases on the Working Group's books, the total destruction of the town of Huambo and of Ondjiva made efforts to reconstitute events impossible from the outset. Nothing is known of the fate of the archives in Huambo which, since 1992, has been under the illegal control of UNITA, so that it is beyond the authority of the State and the Government.

67. During an exchange of views with the Working Group, at its forty-fourth session, the Government of Angola, represented by its Attorney-General and the Permanent Representative to the United Nations Office at Geneva, highlighted the situation of the country in 1977 and the difficulties in which the authorities of the Second Republic found themselves in investigating cases of disappearance which had occurred almost 20 years ago, especially as some of the relatives had left the country. Referring to the three persons on the Working Group's list who had allegedly been executed by firing squad, the representatives of the Angolan Government stated that, despite the fact that the death penalty was legal in those days, these persons had been executed without a proper trial, and that it would be impossible for the Angolan authorities, given the context of the past, to have the place of burial or the bodies of the victims located and identified. They also stated that no records of these executions existed. However, they indicated their strong commitment to prevent any new cases of disappearance and to continue cooperating with the Working Group. The Working Group expressed its appreciation to the Government for its cooperation, but explained that, in accordance with its methods of work, the information provided was still considered insufficient to clarify the cases.

Argentina

Situation in 1994

68. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Argentina. The Group considered clarified

one case, which concerned a child who had disappeared in 1977, together with his parents, but who was now reported to have been found by members of the Abuelas de Plaza de Mayo and reunited with his biological family.

69. The vast majority of the 3,462 reported cases of disappearance in Argentina occurred between 1975 and 1978 under the military Government, during its campaign against left-wing guerrillas and their sympathizers.

Information received

70. During 1994, non-governmental organizations expanded on their claim against the Government of Argentina filed in the administrative courts between 1978 and 1983. The claim attributed legal responsibility to the Government on the grounds that the Government had not given the relatives of the victims effective remedies, since administrative and military officials had destroyed or concealed archives, documentation and other sources of information relating to the events which had led to the disappearance of the victims.

71. Non-governmental organizations reported that the Government of Argentina contested the claim, maintaining that it had no obligation to provide information or to keep the archives and documentation requested by the claimants and that, in the last instance, the Government had provided information "to the extent possible" in the "Final Report" of 28 April 1983.

72. It was reported that on 23 February 1994, the judge of federal Criminal Court No. 1 handed over to the judge hearing the action against the Government nine reels of microfilm from the file on disappeared persons kept at the Ministry of the Interior, four of which were reportedly empty and one was missing.

73. On 4 March 1994, the items were returned to the federal judge, who had asked that they be sent back to her so that she could trace the missing items.

74. On 26 April 1994, the Court received all the microfilms from the federal judge. The withholding of all the reels of microfilm from 4 March to 26 April 1994 prevented the plaintiffs from questioning, with the microfilms in front of them, the main witnesses in the proceedings.

75. It is claimed that the Government of Argentina is continuing to violate its obligations under the International Covenants on Human Rights, as well as those specifically provided for in the Declaration on the Protection of All Persons from Enforced Disappearances.

76. During the Group's forty-fourth session, it was reported by a non-governmental organization that two Navy officers had recently admitted before a committee of the National Senate that the Navy Engineering School had been involved in the abduction, torture and subsequent disappearance of two French nuns; in addition, one of the officers is said to have admitted that torture was a "tool" which had to be used in certain circumstances. The plaintiffs in the proceedings against the State have presented this development and the corresponding documentation as evidence that the State

and its administrative or military officials may be aware of the fate of each missing person, since this episode is said to demonstrate that serving officers know which military institution or group had a hand in the respective abductions, tortures and disappearances.

77. By note verbale dated 13 January 1994, the Government of Argentina provided comments on the general allegations contained in the Working Group's letter dated 20 October 1993, which were reflected in the Working Group's report to the Commission on Human Rights at its fiftieth session (E/CN.4/1994/26). The Government stated that there had been no final decision by the Argentine judicial authorities on the civil petition filed by some relatives of persons who had disappeared during the last de facto Government. It was, therefore, inappropriate for the discussion to be held in two different forums simultaneously, which circumvented the principle of exhaustion of domestic remedies as the proper means for the country to protect the rights of individuals in its territory. The Government further stated that it was justified to argue that the legal obligations of the State did not alter when changes occurred in the representatives of the State organs. That was why the democratic Government had provided compensation. However, the problems arose when the considerations of fact and law raised by the claimants in the proceedings they had instituted in the courts were supplemented by political considerations aimed not at invoking the civil liability of the State as a public-law entity in relation to individuals, but at slandering the State as an entity of public international law in relation to the international community. The allegation that the Government was deliberately concealing information from the relatives must be supported by proof.

78. The Government further recalled that the National Commission on the Disappearance of Persons (CONADEP) had been established by Presidential decree, as soon as democracy had been restored, with the express aim of clarifying the events connected with the disappearance of persons in the country. A thorough reading of the CONADEP report clearly indicated that the methods used to make people disappear had been used to make all traces of them disappear as well. Piecing together what had happened during that time was a difficult task, and it made no sense to claim that after 10 years of democratic government, information might exist in official files that was available neither to CONADEP, nor to successive judges.

79. The Government did not dismiss all possibility of continuing investigations into the tragic events of the past. On the contrary, it facilitated the matter for anyone who wished to conduct such an investigation.

80. With regard to the use of the term "impunity" by the claimants, the measures taken by the democratic authorities, in particular the current Government, were explicitly aimed at restoring peace to society, and at ending the long and painful history of conflict, and not at allowing crimes to go unpunished.

81. Finally, the Government of Argentina stated that it welcomed all attempts at communication from supranational bodies for dealing with such sensitive issues as the consequences that human rights violations had had in

the country. However, such initiatives must be directly related to preserving and contributing to the development of democracy.

82. The Government of Argentina also sent a reply to the general allegations transmitted by the Working Group this year. The Government stated that it did not have in its possession nor was it withholding any information on the whereabouts of the disappeared persons. It reiterated that the disappearance of any traces of the whereabouts of the missing persons had been placed on record in the report of CONADEP. In the conclusions of the report, "Nunca Más", it was again stated that the destruction or removal of the documents which would have allowed the fate of the disappeared persons to be determined, had made the investigation carried out by the National Commission very difficult.

83. The Government also pointed out that the judicial proceedings referred to by the non-governmental organizations had not been completed, so that the judges still had to reach a decision.

84. At its forty-fourth session, the Working Group met with representatives of the Government of Argentina, who referred to the policy of the Government with regard to disappearances, since democracy was restored in December 1983. In particular, it was mentioned that compensation was being paid to the victims of enforced disappearances. With regard to children of parents who had disappeared, some cases had already been brought before the courts and the Under-Secretary of Social and Humanitarian Affairs had established a comittee to deal with that matter. The Working Group was also informed that the Government of Argentina had signed the Inter-American Convention on Enforced Disappearances at the most recent General Assembly of the Organization of American States, and that it was now before the Parliament for ratification.

85. The Government transmitted to the Working Group a reply to its questionnaire on the implementation in Argentina of the Declaration on the Protection of All Persons from Enforced Disappearance. The information that, under the Constitution in force since August 1994, enforced disappearance is a ground for invoking the remedy of habeas corpus is especially noteworthy. The Government also indicated that the applicable provisions of the Code of Criminal Procedure restricted and regulated incommunicado detention, specifying that the police might impose such detention for a maximum of six hours, following a psychological and physical examination, and that the judge might extend it up to a maximum of 72 hours. Moreover, although the Government of Argentina reports that all police stations and judicial institutions must keep registers of detainees, it does not appear from this information that there is a central register of prisoners, as opposed to a mere register of prisoners held at the disposal of the judge.

Observations

86. Argentina was one of the first countries, during the 1970s, where disappearances occurred as a systematic practice. The Working Group is aware of the difficulties experienced by the present democratic Government in obtaining all of the documentary information produced during the period of the military governments.

87. The Working Group will continue to follow up the current investigations. In this regard, it urges the authorities of the Argentine Republic to supply and protect all available information on judicial proceedings which are under way or which will be instituted in the future.

Bolivia

88. During 1994, no new cases of disappearances were transmitted by the Working Group to the Government of Bolivia.

89. The majority of the 48 cases of disappearance reported to the Working Group occurred in 1981 and 1982, periods when general and often massive violence spread around the country, generated by two military coups. Twenty of these cases have been clarified.

90. Despite a full retransmittal of the outstanding cases in July 1994, at the request of the Government of Bolivia, no further information was received in 1994 from the Government concerning these cases. The Working Group, therefore, is unable to report on the fate and whereabouts of the disappeared persons.

Brazil

91. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Brazil. During the same period, the Working Group clarified two cases which had occurred in 1992, in which the Government reported that the subjects' bodies had been found and that they had been shot. Judicial proceedings have been opened with a view to finding those responsible.

92. The majority of the 54 cases of disappearance in Brazil reported to the Working Group occurred between 1969 and 1975, under the military Government, in particular during the guerrilla warfare in the Araguaia region.

Information Received

93. During the period under review, the Government of Brazil transmitted a report prepared by the Secretary of State of the State of Sao Paulo on specific issues regarding human rights in that State. The report concerned *inter alia* the prison system, the civil and military police, police violence and street children, and measures taken by the government of Sao Paulo on these issues.

Burkina Faso

94. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Burkina Faso.

95. The three outstanding cases of disappearance reported to the Working Group concerned two soldiers and a university professor, all of whom were reportedly arrested in 1989, together with 27 other persons, on charges of having participated in an alleged conspiracy against the Government.

96. Despite several reminders, no information has ever been received by the Working Group from the Government regarding these cases. The Working Group, therefore, is unable to report on the fate and whereabouts of the disappeared persons.

Burundi

97. During 1994, the Working Group transmitted nine reported cases of disappearance to the Government of Burundi, all of which occurred in 1994. These cases were sent under the urgent action procedure.

98. All of the other reported cases of disappearance in Burundi occurred in Bujumbura in November and December 1991, following attacks against the Government in the capital and the north-western provinces of Cibitoke and Bubanza. The disappeared persons, of Hutu origin, were reportedly arrested by members of the security forces, dominated by the Tutsi minority. Most of them were later held at Mura and at paratroopers' barracks in Bujumbura, while others allegedly disappeared while in custody at the headquarters of the Gendarmerie's special investigation brigade, in Bujumbura.

99. The more recently reported cases of disappearance allegedly concern Hutus, most of whom had been assembled and held by members of the security forces in a playground in Bujumbura. These persons, suspected of holding arms, are reported to have been arrested and taken away to an unknown destination while members of the armed forces were searching the area.

100. These cases of disappearance occurred in the context of violence and internal strife, including mass killings, which developed in the aftermath of the murder, on 21 October 1993, of the former President of Burundi and of several high officials, the failed putsch which followed and, six months later, the accidental death of President Ntaryamira in the plane crash of 6 April 1994.

Information received

101. According to information received from non-governmental organizations, the main problems faced by the Burundi authorities are not only to restore peace in the country, in particular with the designation of a new national President, but also to reorganize the army and the police, to restructure the judiciary and to end impunity.

102. So far, no measures have reportedly been taken to end the impunity enjoyed by the armed forces. With respect to the judiciary, the present administrative structure is said to be far from adequate to prosecute properly all those responsible for the latest human rights violations. The main obstacles reportedly lie in the lack of human and financial resources, the lack of balance in ethnic representation, and the poor standards for impartiality and independence.

103. Although several reminders have been sent, no information has ever been received by the Working Group from the Government of Burundi with regard to these cases of disappearance. The Working Group, therefore, is unable to report on the fate and whereabouts of the disappeared persons.

Cameroon

104. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Cameroon.

105. All of the six cases reported to the Working Group occurred in 1992. The cases concerned five youngsters aged 13 to 17, including three brothers, who were reportedly seen being taken into police custody in Bamenda in February 1992 at the time of the arrest of leaders of the Cameroon Anglophone Movement, and over 40 peasants, following a peaceful demonstration. The father of the three brothers also disappeared, following his inquiries to determine the whereabouts of his children.

106. During 1994, no information was received by the Working Group from the Government of Cameroon concerning these cases. The Working Group is, therefore, unable to report on the fate or whereabouts of the disappeared persons.

Chad

107. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Chad.

108. The majority of the six cases of disappearance reported to the Working Group occurred in 1991 and one case in 1983. The latter case was submitted by a relative of the victim and concerned a member of the Democratic National Union who was reportedly taken prisoner in July 1983 in the context of clashes between government troops and opposition forces which took place at Faya-Largeau. The other cases concerned members of the Hadjerai ethnic group who had reportedly been arrested on 13 October 1991 by the Chadian security forces. Their detention is said to have taken place following an announcement by the authorities that an attempt by a section of the Chadian armed forces to overthrow President Idriss Deby had been thwarted. Soldiers loyal to the Government are said to have killed and arrested many civilians, solely because they came from the Hadjerai ethnic group.

Information received

109. According to information received from non-governmental organizations in 1994, enforced or involuntary disappearances continue to occur in Chad, and are often associated with arbitrary arrest and torture. The forces responsible are reportedly members of the "Garde républicaine", who are said to belong to the same ethnic group as President Deby.

110. It was further alleged that members of human rights organizations are subjected to increasing harassment. Particular concern was expressed about the national civic campaign, initiated by several human rights organizations with a view to educating the population about the forthcoming elections, which is said to have been recently forbidden by the President.

111. It was further reported that most of the specific recommendations submitted to the present transition Government in 1993 by the National Sovereign Conference are yet to be implemented. With respect to impunity, no

measures have reportedly been adopted by the Government to prosecute perpetrators of disappearances and other major human rights violations.

112. During the reporting period, the Government of Chad informed the Working Group that Chad was one of the African countries worst hit by guerilla activities, civil war and internal strife. These developments had weakened the country and slowed down the pace of restoration of a state of law, democracy and the promotion of human rights. Despite these difficulties, however, political parties and human rights organizations had emerged, trade unions were in the process of being formed and a free press had a critical eye on what the Government was doing.

113. Among the tasks to be entrusted to the National Commission on Human Rights that was on the verge of being created would be the power to carry out investigations and to identify and prosecute those responsible, since the 1960s, for major human rights violations, including disappearances, summary executions and arbitrary arrests, and the misuse of public funds.

Chile

114. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Chile. During this period, the Working Group considered clarified 16 cases which concerned 16 persons detained by the armed forces and the Carabineros between September 1973 and June 1976. The remains of 14 persons were found and identified as a result of tests carried out by the Forensic Medicine Department of Santiago, and were returned to their relatives. In the other two cases, the death of the missing persons was established through judicial proceedings.

115. The vast majority of the 912 reported cases of disappearance in Chile occurred between 1973 and 1976 under the military Government. They concerned political opponents of the military dictatorship, from different social strata, most of them activists in the Chilean leftist parties. Disappearances were carried out by members of the army, the Carabineros and persons acting with the acquiescence of the authorities.

116. The National Truth and Reconciliation Commission (Comisión Nacional de Verdad y Reconciliación), set up by the civilian Government in April 1990 to investigate serious human rights violations during the period of military rule, concluded that 957 had disappeared following their detention by the army or security forces. Since the restoration of civilian government, some civilian court judges have endeavoured to pursue investigations into disappearances to clarify the facts and establish responsibility. Forensic identification of the remains recovered from mass graves by the Forensic Medicine Department of Santiago are continuing, in spite of the 1978 Amnesty Law which impedes the prosecution of those responsible for the summary executions and disappearances.

Information received

117. According to information received from non-governmental organizations, the 1978 Amnesty Act and military secrecy continue to hamper the efforts of Chile's judges and courts to clear up the hundreds of cases of disappearance

attributable to the government forces since the military coup in 1973. Several judicial proceedings are said to have been dismissed during 1993 under the Amnesty Act, when the investigations led to army officers still in active service. It is claimed that the files of many cases involving disappearance appear to reveal a growing confusion within the judiciary over the legitimate interpretation of the Amnesty Act. The military courts are said to claim competence to hear all cases in which members of the armed forces or the police appear to be involved, and it is said that the Supreme Court invariably settles the conflict of competence in favour of the military court, which files the cases without pursuing the investigations or punishing those responsible. It has also been reported that, under the 1992 Reparation Act, over 4,000 relatives of the victims identified in the report of the National Truth and Reconciliation Commission, published in March 1991, currently receive a monthly allowance from the Government; 821 receive scholarships and 63 have been helped through the allocation of housing units under an assistance programme set up in February 1992.

118. Reports also indicate that the work of the National Truth and Reconciliation Commission has been continued by the National Agency for Compensation and Reconciliation set up in February 1992. This Agency has been entrusted with the task of determining the responsibility of government officials in cases of violations of human rights, ascertaining the whereabouts of disappeared persons and determining the circumstances of their disappearance. It is claimed, however, that the Agency cannot assume jurisdictional functions or deliver an opinion on the responsibility of individuals. It is also alleged that the progress of proceedings of the National Agency has been slow and that investigations are still being made to identify the remains of 126 victims who were buried anonymously and illegally in the so-called "Plot 29" of the Santiago General Cemetery. It is claimed that identification of the remains, which is being undertaken by the Forensic Medicine Department has proved an arduous task and that progress has been slow.

119. During 1994, the Government of Chile sent replies on 27 cases of disappearance, in which it informed the Working Group that the corpses of 16 persons, whose remains were found in unmarked graves in Plot 29 of the General Cemetery of Santiago, had been identified and given to their relatives. The death of another 11 missing persons had been judicially established although their remains could not be found.

120. The Government of Chile also sent a reply to the Working Group's letter requesting information on the action the Government had taken to implement the provisions of the Declaration on the Protection of All Persons from Enforced Disappearances at the national level, and provided comments on the general allegations contained in the Working Group's letter of 19 September 1994. This information supplemented the background material in the Working Group's possession on the work and powers of the National Agency for Compensation and Reconciliation. It included an updating of the number of recipients of compensation allowances and on the identification of remains in Plot 29 of the Santiago General Cemetery. The Government of Chile reported that the purpose of the National Agency for Compensation and Reconciliation, which had been set up by Act. No. 19,123 of 8 February 1992, was to coordinate, implement and support the measures required to give effect

to the recommendations of the report of the National Truth and Reconciliation Commission. The Agency could not assume the functions of a court or pronounce on the extent to which individuals might be responsible in cases of missing detainees. However, the President of the Agency could take part in judicial inquiries and send any background material and information collected to the courts in cases brought by relatives of the victims. In the case of illegal burial of unidentified persons in Plot 29 of the Santiago General Cemetery, the Agency duly appeared as an additional party in order to assist in establishing the whereabouts of the victims, providing useful information for the forensic identification. In addition to the Agency's work, the President of the Republic had approved the creation of an ad hoc team of professionals for the identification work. Between June and October 1994, those measures had resulted in the identification of the remains of 39 victims. Lastly, as at 31 December 1993, 4,760 relatives who had proved the requisite degree of kinship with a total of 2,958 victims, were receiving the compensation allowance. Those figures included relatives of missing detainees and persons who were extrajudicially executed.

China

121. During 1994, the Working Group transmitted to the Government of China six newly reported cases of disappearance which allegedly occurred in 1994. Four of these cases were transmitted under the urgent action procedure. During the same period, the Working Group decided to consider clarified nine cases, and retransmitted to the Government a total of six cases, which had been updated with new information from the source.

122. Most of the 53 cases of disappearance reported to have occurred in China took place between 1988 and 1990. The majority of the persons alleged to have disappeared were Tibetans engaged in activities in favour of Tibetan independence. Reportedly, some of them disappeared after being arrested for writing or singing national poems or songs. Nineteen of these cases concerned a group of Tibetan monks who had reportedly been arrested in Nepal, interrogated by Chinese officials while in detention and, allegedly, turned over to the Chinese authorities at the Jatopani border. Other victims were human rights activists involved in pro-democracy activities. Three of the reported cases concerned persons who disappeared after the incidents in Beijing in 1989.

123. The newly reported cases are said to have occurred in Shanghai and Beijing; the force alleged to be responsible for the disappearances is the Public Security Bureau Police. All the victims were human rights activists with a university education, some of whom were reportedly the organizers of the "League for the Protection of the Rights of the Working People of the People's Republic of China"; others are said to have signed, in March 1994, the "Blueprint for Political Democratization of the State and Society" which calls for democratic changes, reform of the penal system and the establishment of independent labour unions. Some of the victims had previously been imprisoned for their involvement in democratic activities and, in one case, the victim and his family had reportedly been routinely followed, threatened and harassed by the Public Security Bureau. In another case, the victim's wife was alleged to have been detained for telephoning an organization abroad to report her husband's disappearance.

Information received

124. In addition to the specific cases of disappearance, the Working Group also received reports from non-governmental organizations according to which some of the principal sponsors of a new organization called the "League for the Protection of the Rights of the Working People of the People's Republic of China" have allegedly disappeared or are being held in detention, reportedly without charge or trial, for having attempted to establish independent human rights monitoring and protection mechanisms.

125. During 1994, the Government of China provided information on six cases of disappearance, stating that in five of them the persons had never been detained and in the other, which concerned the alleged disappearance of the group of 19 Tibetans, that further information would be provided when the investigation was completed. The Government of China also provided information on the four cases of disappearance transmitted in 1994 by the Working Group under the urgent action procedure. The Government of China notified the Working Group that two of the persons were being held under legal investigation for disturbing social order, and stated the exact place of detention. It was stressed by the Government that the families had been notified of their detention. In one other case, the Government reported that the person concerned was being detained while under legal investigation for criminal hooliganism, but did not indicate where he was being held. Regarding the fourth case, the Government replied that the person was under residential surveillance by the Public Security Bureau on suspicion of inciting a mob to cause social disturbance.

Colombia

126. During 1994, the Working Group transmitted 21 newly reported cases of disappearance to the Government of Colombia, 19 of them under the urgent action procedure. During the same period it clarified eight cases, in which six persons were found dead and two had been released.

127. In accordance with Commission on Human Rights resolution 1994/70, the Working Group sent a "prompt intervention" cable to the Government requesting protection for two representatives of the Association of Relatives of Disappeared Detainees who had allegedly been subjected to acts of intimidation or harassment.

128. The majority of the 916 reported cases of disappearance in Colombia have occurred since 1981, especially in Bogota and regions where the level of violence is highest. The number of cases in the Working Group's files is much lower than the figures handled by the national non-governmental organizations. This is due, to a large extent, to the fact that in many cases the persons are found dead a few days after the disappearance. With regard to other cases, it has not been possible for the relatives or acquaintances of the missing persons to establish a link between the disappearance and the activities of government forces or groups associated with them.

129. The cases transmitted this year occurred mainly in the departments of Antioquia (7), Atlántico (3), César (2), Norte de Santander (2),

Boliivar (1), Cauca (1), Magdalena (1), Sucre (1), in the region of Urabà (1) and in Bogotà (2). The disappeared persons included a doctor, a lawyer, a member of a political party and several peasants. The forces alleged to be responsible were the armed or security forces (11), the police (2), paramilitary groups (4), or men in plain clothes suspected to be linked to security forces (4).

Information received

130. According to information received from non-governmental organizations, the practice of enforced disappearance continued during the year under review. They pointed to the serious difficulties experienced by families in the formalities connected with disinterring and identifying bodies buried as unknown persons, first, because of refusal or delay by the authorities in authorizing exhumation and, second, because the same authorities did not provide suitable facilities for the exhumation and the subsequent process of identification.

131. The Working Group also received reports that members of human rights organizations, as well as relatives of victims of violations, continue to be threatened and intimidated. Although the Government reportedly repudiated some of the attacks committed against human rights activists, and assigned bodyguards to some of those who had received serious threats, the police and judicial authorities had proved unable to or uninterested in taking the requisite measures to protect such persons effectively or to investigate and try those responsible. In the zones of conflict, the civilian population and, above all, the community leaders and peasants were said to be increasingly regarded by the armed forces as collaborating with the guerrillas and, therefore, were open to abuse. Human rights activists trying to document or report the abuses by the military and paramilitary forces in these zones were also said to be running a serious risk of persecution.

132. The Group also received from non-governmental sources abundant information about the draft law whereby enforced disappearance of persons is classed as an offence. As approved by the Congress of the Republic in early June 1994, the draft establishes that proceedings could be brought for this offence against State officials, not only the principals but also persons who plan, promote or direct, without directly intervening in, the acts, as well as individuals acting with their assistance, protection or acquiescence. In addition, the perpetrators can not benefit from an amnesty or pardon or suspension or suppression of proceedings in which they are being investigated. The supervisory authorities would be required to order and carry out inspections at military, police and other premises in which there are believed to be missing detainees. The draft also allows for the establishment of search commissions with broad powers of inspection and specifies that disappearance can not be regarded as a service-related act nor can it be adduced as exempting liability as a result of superior orders.

133. In July, objections were raised to the draft by the then President of the Republic on the grounds, inter alia, of unconstitutionality, because he held the view that the law could run counter to the concepts of military jurisdiction and superior orders.

134. Non-governmental sources were concerned about these objections, taking the view that they did not contribute to the struggle against impunity and would be in contradiction with the provisions of both the Inter-American Convention on Forced Disappearances of Persons and of the United Nations Declaration on the Protection of All Persons from Enforced Disappearance. Article 16, paragraph 2, of the Declaration, in particular, establishes that persons presumed to be guilty shall be tried only by the competent ordinary courts and not by any other special tribunal, in particular military courts; and article 6, paragraph 1, stipulate that no order or instruction of any public authority, whether civilian, military or other, may be invoked to justify an enforced disappearance and that any person receiving such an order or instruction should have the right and duty not to obey it. They also pointed out that the Office of the Attorney-General of the Nation and the Ombudsman had publicly stated their disagreement with the presidential veto, contending, inter alia, that the draft law did not change or limit military jurisdiction and that it simply opened the way to the definition of conduct that constituted a service-related act; they also said that disappearance was prohibited under article 12 of the Constitution and, therefore, could not be regarded as a service-related act for the purpose of submitting such cases to the military courts.

135. The Group expressed concern about this situation in two separate letters addressed to the Government. It did so, on the basis, in particular, of resolution 1994/39, in paragraphs 17 to 19 of which the Commission requested the Group to take the Declaration into account in the exercise of its mandate; invited it to identify obstacles to the realization of the provisions of the Declaration and to recommend ways of overcoming them; and encouraged States to provide information on measures taken to give effect to the Declaration, as well as obstacles encountered. No observations, however, have been received from the Government so far. Further information provided by non-governmental sources indicated that in October 1994 the Senate had upheld the objections, and that a decision by the House of Representatives is still pending.

136. During 1994, the Government of Colombia provided information on 10 cases of disappearance, stating that in 2 of them the persons concerned had been released, and in 8 of them investigation was being carried out.

Cyprus

137. As in the past, the Working Group continued to remain available to assist the Committee on Missing Persons in Cyprus. The Working Group noted that in 1994 the Committee, whose activities are based mainly on the testimony of witnesses and investigations in the field, held only two sessions of meetings. However, bilateral meetings between the Third Member and his Assistants with both sides continued to take place on a regular basis in an attempt to overcome differences.

138. The Working Group was informed, on 4 October 1993, that the Secretary-General had written to the leaders of both communities emphasizing the need for a fresh commitment by both communities to the humanitarian objectives of the Committee. The Secretary-General had reiterated the necessity for immediate progress in a number of areas, most particularly the

submission of all cases of missing persons to the Committee for investigations and the urgent determination of agreed criteria for concluding its investigations. After having received a report of the Third Member at the end of January 1994, the Secretary-General addressed a new letter to both sides regarding the two above-mentioned crucial points.

139. The submission of cases has continued. At the end of November 1994, a total of 1,072 Greek Cypriot cases and 492 Turkish Cypriot cases (comprising almost the total number of Turkish Cypriot cases) had been submitted to the Committee.

140. The two sides have had direct and regular contacts in the offices of the Committee on Missing Persons in Cyprus, in order to search for an agreement on common criteria. A procedural checklist entitled "Guidelines for the Investigations" has been agreed upon. While substantial progress has also been made on the text of the draft criteria, certain matters on which agreement must be reached remain outstanding. The Secretary-General has asked the Third Member to submit, by the end of December 1994, a full report on the situation at that time; on the basis of this report, the Secretary-General will consider the question of continued support by the United Nations for the Committee.

Dominican Republic

141. During 1994, the Working Group transmitted to the Government of the Dominican Republic one newly reported case of disappearance which was reported to have occurred in May 1994 and was sent under the urgent action procedure. It concerned a university lecturer, who was also a journalist and political activist, and who was reportedly detained by members of the army and subsequently taken to a military base.

142. The one other outstanding case concerns a person who was arrested in June 1984 in Santo Domingo and subsequently disappeared.

143. During 1994, the Working Group received no information from the Government concerning these cases. The Group is, therefore, still unable to report on the fate or whereabouts of the disappeared persons.

Ecuador

144. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Ecuador.

145. The 17 reported cases of disappearance occurred between 1985 and 1992. The majority of them concerned persons who were reportedly arrested by members of the Criminal Investigation Service of the National Police. The disappearances occurred in Quito, Guayaquil and Esmeraldas. In three cases the victims were children.

146. With regard to two of the cases of alleged disappearance of children, the Government of Ecuador established a special commission to carry out the

necessary investigations, and subsequently extended the mandate of the special commission to allow it to receive complaints relating to other cases of disappearance.

147. In 1994, no new information was received from the Government concerning the outstanding cases. The Group is, therefore, still unable to report on the fate or whereabouts of the disappeared persons.

Egypt

148. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Egypt.

149. The majority of the eight cases of reported disappearance occurred between 1988 and 1993. Amongst the victims were an alleged supporter of the Jihad organization and three Libyan citizens. The renewal of the state of emergency during this period, which reportedly gave free rein to the security forces without supervision or accountability, is said to have been an aggravating factor in the disappearances.

Information received

150. During 1994, the Government of Egypt submitted replies on five cases of disappearance, in which it was reported that the competent authorities had no record of the subjects and the Government denied any involvement in their cases.

151. The Government of Egypt also replied to the questionnaire sent by the Working Group concerning the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance.

152. The Working Group welcomes the fact that the Government has published and distributed the Declaration to the Ministries concerned and the competent legislative and judicial authorities, together with a recommendation to the effect that they should take appropriate measures to implement and disseminate the principles contained therein.

153. The reply to the questionnaire provides information concerning procedures related to detention and legal measures taken in cases of unlawful detention, but in the case of disappearances the Government states that incommunicado detention does not exist in Egypt, therefore no particular measures have been taken in the area of prevention and prosecution of those responsible. However, the Working Group noted that the act of disappearance as such does not seem to be an explicit offence under the Egyptian Penal Code.

El Salvador

154. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of El Salvador.

155. The majority of the 2,638 reported cases occurred between 1980 and 1983, in the context of the armed conflict between the Government of

El Salvador and the Farabundo Martí National Liberation Front (FMLN). Many victims disappeared following arrest by uniformed soldiers, uniformed police or abduction in death squad-style operations carried out by armed men in civilian clothing, reportedly linked to the army or to the security forces. Abductions by armed men in civilian clothing were, in some cases, subsequently recognized as detentions, which raised allegations of links with the security forces.

Information received

156. During 1994, information of a general nature was received from non-governmental organizations. It was reported that during the years of internal armed conflict, El Salvador was one of the countries in which a large number of cases of enforced or involuntary disappearance occurred as a grave, widespread and systematic practice. However, during 1993 and so far in 1994, no case has been reported of persons having disappeared. This is a very positive development, which offers hope for the future of human rights in El Salvador and appears to be due, inter alia, to the continuing concern shown and the measures adopted by the Commission on Human Rights, to the local activities of the United Nations Observer Mission in El Salvador (ONUSAL) and to the work done by the various bodies set up under the Peace Agreements reached between the Government of El Salvador and the (FMLN).

157. Many of the cases reported in the past have, however, still not been resolved. During 1993 and so far in 1994, neither the Government of El Salvador nor the non-governmental organizations and the families lodging complaints have given any answers to the Working Group concerning the cases that are pending.

158. The Working Group has continued to receive allegations concerning the deficiencies of the criminal investigation system and the observance of the due process of law. Notwithstanding the express recommendations made by the Commission on Human Rights, the Human Rights Division of ONUSAL and the Truth Commission, the judicial system remains inefficient. Despite some reform of the law, there have been complaints of serious restrictions on police investigations, which in many cases lead to impunity.

159. There have also been complaints concerning the difficulty of access by the Salvadorian population to the remedies of habeas corpus and amparo, fundamental instruments that guarantee the protection of human rights. One extremely positive development of which the Working Group was informed is the setting up, on the proposal of the Secretary-General of the United Nations, of the Joint Group for the Investigation of Politically-Motivated Illegal Armed Groups. These armed groups have been responsible for a considerable number of cases reported in the past. The Joint Group submitted its report to the Government of El Salvador and to the Secretary-General of the United Nations on 28 July 1994 and its recommendations are being implemented.

160. In 1994, no new information was received from the Government of El Salvador concerning the outstanding cases. The Group is, therefore, still unable to report on the fate or whereabouts of the disappeared persons.

Observations

161. The Working Group welcomes the fact that, over the past three years, there have been no cases of enforced disappearance. This has been verified locally by ONUSAL and is an important indication of the positive effects of the peace process, as well as an example of the fact that, to put an end to the phenomenon of disappearance, national peace and reconciliation, based on agreements going to the root of the conflicts, are the appropriate response.

162. Nevertheless, the Working Group draws attention to the urgent need for a speedier and fuller reform of the Salvadorian judicial system and, in particular, for more effective and accessible protection mechanisms, such as habeas corpus and amparo. The Government should also ensure that all acts of enforced disappearance are made an offence under criminal law, punishable by appropriate penalties.

163. In addition to preventive measures, the Working Group would like to remind the Government of its responsibility under the Declaration to investigate all past cases, and to bring the perpetrators to justice.

Equatorial Guinea

164. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Equatorial Guinea.

165. The three reported cases of disappearance concern members of political opposition parties who were reportedly arrested in Malabo on 9 and 10 August 1993. The police authorities, however, have reportedly refused to disclose any information on their whereabouts.

166. Equatorial Guinea adopted a multiparty political system in 1992. The Constitution was amended in late 1991, and in January 1993 the Government legalized all political parties not yet registered. On 18 March 1993, an agreement, known as the National Pact, was signed between the Government and the political parties. However, scores of persons suspected of belonging to opposition political parties have reportedly been arrested and detained for short periods since then, particularly in Río Muni.

167. Although a reminder was sent, no information has been received by the Working Group from the Government of Equatorial Guinea. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Ethiopia

168. During 1994, the Working Group transmitted 70 newly reported cases of disappearance to the Government of Ethiopia, 3 of which were sent under the urgent action procedure. During the same period, it retransmitted one case to the Government, updated with new information from the source.

169. The majority of the 101 cases of disappearance reported to the Working Group occurred between 1974 and 1992 after the military Government took power, and concerned mainly, although not exclusively, high ranking officials

of Emperor Haile Selasie's Government and members of the Oromo ethnic group, in particular those believed to be involved with the Oromo Liberation Front, or persons accused of involvement with opposition political groups, including the Ethiopian Socialist Movement.

170. All of the newly reported cases occurred between 1991 and 1994 under the Transitional Government and concerned members of the Oromo ethnic group suspected of participation in the Oromo Liberation Front who were arrested in Addis Ababa or disappeared from the military detention camp Hurso in western Ethiopia. The other cases concerned members of the Ogaden National Liberation Front (a political party) who disappeared in Region Five. Region Five in eastern Ethiopia, also known as the Ogaden and inhabited primarily by ethnic Somalis, has reportedly been a closed military zone for several months, and there have been reports of fighting in the region by elements of the Ogaden National Liberation Front.

Information received

171. Serious concern was expressed by a number of non-governmental organizations about an increasing pattern of disappearances of suspected opponents of the Transitional Government of Ethiopia. It was alleged that the Ethiopian police and security forces have failed to respond to inquiries from families concerning missing relatives. The lack of an efficient central register of detainees and prisoners is said to further complicate the situation. It was believed that detainees were being held in secret interrogation or detention centres in Addis Ababa and other locations.

172. During 1994, no new information was received from the Government of Ethiopia with regard to the outstanding cases. The Working Group is, therefore, still unable to report on the fate or whereabouts of the disappeared persons.

Greece

173. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Greece.

174. The two outstanding cases concern Albanian cousins who were allegedly detained by the police in Zagora, central eastern Greece in 1993. The Government of Greece informed the Working Group in 1993 that the persons concerned had never been arrested by the police, but that investigations were continuing.

Information received

175. During the period under review, the Government of Greece sent a reply to the Working Group's letter dated 10 August 1993 on the question of impunity. It stated that in Greece no one could be arrested without a warrant. Those arrested in the process of committing a crime must be brought before the examining magistrate within 24 hours, and the magistrate must then decide within three days to release the detainee or issue a warrant of imprisonment. Should either of those time limits elapse before action had been taken, any warden or other officer, civil servant or military,

responsible for the detention must release the person immediately. Violators were punished for illegal detention and must compensate the detainee for moral damage. Particularly heavy penalties, including life imprisonment, were imposed for the crime of abduction.

176. The Working Group also received a reply from the Goverment of Greece to the questionnaire on the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance. The Government stated that under articles 5 and 6 of the Constitution, personal freedom and liberty were guaranteed. In accordance with article 6.1, no one shall be arrested or imprisoned without a warrant, which must be issued at the moment of arrest or detention pending trial. Article 6.2 provides that the arrested person must be brought before the competent examining magistrate within 24 hours of his/her arrest. The magistrate then has three days to either release him/her, or issue a warrant of imprisonment. In case of "force majeure", this time limit could be extended by two days. However, the detainee enjoys the right of recourse before the magistates' council against a temporary detention warrant. The Penitentiary Code guarantees the right of detainees to communicate with their legal counsel and provides that relatives must be informed if the detainee is transferred to other detention premises.

177. Furthermore, the Government informed the Working Group that under Greek legislation, the protection of personal freedom against arbitrary detention, abduction or illegal detention was guaranteed and whoever violated it was punished and imprisoned. Finally, the Government stated that any allegation relating to a disappearance was thoroughly investigated by the authorities.

Guatemala

178. During 1994, the Working Group transmitted to the Government of Guatemala six newly reported cases of disappearance, which allegedly occurred in January, August and September 1994. They were sent under the urgent action procedure. The Working Group also retransmitted to the Government one case, updated with new information from the source.

179. The majority of the 3,144 reported cases of disappearance in Guatemala occurred between 1979 and 1986, in the context of the Government's fight against the Guatemalan National Revolutionary Unity (URNG) (Unidad Revolucionaria Nacional Guatemalteca). Their characteristics have been described in detail in the Group's previous reports.

180. The Working Group undertook a visit to Guatemala in 1987. The observations included in the 1987 report on that mission (E/CN.4/1988/19, Add.1) referred in particular to the efforts that should be made to improve the functioning of the habeas corpus procedures, to protect the life of witnesses, as well as of persons and organizations denouncing cases, and to adopt convincing measures to prevent and clarify disappearances.

181. It should be noted that, although the number of reported cases has declined notably since 1991, disappearances have become more selective in recent years and have mainly affected trade unionists, student leaders, journalists and human rights defenders.

182. The newly reported cases concern a member of the National Council for the Displaced of Guatemala who was reportedly arrested in January 1994 in Guatemala City by members of the armed forces; a human rights worker and member of the Mutual Support Group (GAM), who was detained by members of a Civilian Self-Defence Committee in August 1994 and taken to an unknown destination; a farm-manager; and three peasants.

183. In January 1994, the Government of Guatemala and the General Command of URNG agreed, under the auspices of the Secretary-General, to resume negotiations to put an end to the internal armed conflict. On 29 March 1994, both parties signed the Comprehensive Agreement on Human Rights, and on 23 June 1994, an Agreement on the establishment of the commission to clarify past human rights violations and acts of violence that have caused the Guatemalan population to suffer. In the Comprehensive Agreement on Human Rights, the parties requested the United Nations to establish a mission to verify human rights, without waiting for the conclusion of an agreement for a firm and lasting peace. The Working Group believes that the recent establishment of the United Nations Human Rights Verification Mission in Guatemala (MINUGUA) can make a decisive contribution to ongoing efforts in Guatemala to put an end to the violations of human rights, including enforced or involuntary disappearances and to the violation of international humanitarian law.

Information received

184. Non-governmental organizations acknowledged that during 1994 there was a decline in the number of disappearances reported in Guatemala, but deplored the fact that the number of extrajudicial executions of such disappeared persons had increased. It was further alleged that death threats had become more and more frequent, in particular against social workers, trade unionists, active members of political parties and members of the indigenous communities.

185. It has also been reported that recourse to habeas corpus produces no results and that, in the vast majority of cases, the relatives have received no reply whatsoever from the courts and tribunals concerning the results of the applications made. It has further been alleged that police investigations are hampered by interference from members of the armed forces and that the investigations of the Government Procurator's Office are usually ineffective.

186. It is also alleged that the Government of Guatemala has not seriously investigated reports of clandestine detentions in military barracks or of the existence of secret prisons. In 1992, according to these reports, 20 members of URNG were seen in secret detention centres. It has also been claimed that the Government has not succeeded in preventing the persistent and violent abuses committed in the interior of the country by the Voluntary Civilian Self-Defence Committees (PACs), who act under close military supervision.

187. The Working Group was also informed that, on 24 June 1994, the Government of Guatemala and URNG concluded an agreement on the establishment

of a commission to investigate the violations of human rights and the acts of violence against the population which have occurred since the start of the armed conflict, in the early 1960s.

188. During 1994, the Government of Guatemala provided information on five cases of disappearance which occurred between 1992 and 1994. In one case, the body of the missing person was found, bearing four bullet wounds and signs of torture. If the source does not contest information within a period of six months, the case will be considered clarified. The other four cases were reported to be before the courts of investigation of first instance. In accordance with the new Code of Criminal Procedure, which came into effect on 1 July 1994, these cases were forwarded to the Attorney-General's Office, which will oversee and carry out the corresponding investigations. The information provided on these four cases was considered by the Working Group insufficient to constitute a clarification.

189. By a note verbale dated 1 November 1994, the Government of Guatemala informed the Working Group of the action it had taken to implement the provisions of the Declaration on the Protection of all Persons from Enforced Disappearance. The Government stated that, as part of the negotiating process aimed at ending the internal conflict that Guatemalans have been living through for the past 34 years, the Comprehensive Agreement on Human Rights had been signed between the Government of the Republic and URNG. In section III of the Agreement, the Government had pledged itself to initiate in the legislature necessary legal amendments to the Penal Code so that enforced or involuntary disappearances might be characterized as a crime of particular gravity and punished as such. The Government had also pledged itself to foster in the international community recognition of enforced or involuntary disappearances as crimes against humanity. As progress was made towards meeting the provisions of the Comprehensive Agreement, the State put into effect, as from 1 July 1994, a new Code of Criminal Procedure, which was expected to provide the administration of justice with a remodelled legal instrument to ensure that due process prevailed. The new Code assigned specific functions to the State Procurator's Office with regard to its power to institute and conduct prosecutions, which made it the defender of society and the regulatory body for all proceedings.

190. With regard to guarantees against arbitrary detention, the Government, in its reply, cited articles 6, 7 and 13 of the Political Constitution of the Republic. Unlawful detention is punishable in accordance with Penal Code articles 203, 204 and 424. Habeas Corpus proceedings are established and ruled for in articles 82, 85, 86 and 87 of the Amparo, Habeas Corpus and Constitutionality Act. Articles 21, 257 to 260, 266 and 267 of the Code of Criminal Procedure deal with arrest and pre-trial detention. Lastly, the Government reported that the judicial apparatus included a central register of detainees. The Government reply makes no reference to obstacles encountered in implementing the Declaration.

Observations

191. The Working Group remains concerned at the continuing allegations of human rights violations, as well as of impunity for those who commit such

violations. A changed pattern in which enforced disappearances seem to be replaced by an increase in extrajudicial executions poses new threats for the protection of human rights in Guatemala.

192. The Working Group is concerned also at the inefficiency of habeas corpus and the lack of a prompt and effective judicial remedy to determine the whereabouts of a person deprived of liberty. It calls upon the Guatemalan authorities to ensure effective functioning of habeas corpus.

193. At the same time, the Working Group highly appreciates the signing of the Comprehensive Agreement on Human Rights and the establishment of the Commission to Clarify Past Human Rights Violations. It expresses the hope that enforced or involuntary disappearances will be soon characterized as crimes of particular gravity and punished as such, as agreed in the Comprehensive Agreement and as established in the Declaration.

194. The Working Group further hopes that the Commission to Clarify Past Human Rights Violations and the United Nations Verification Mission established under the Comprehensive Agreement on Human Rights will fully cooperate with the Working Group on Enforced or Involuntary Disappearances with respect to the receipt, analysis and further processing of complaints concerning disappearances.

Guinea

195. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Guinea.

196. The majority of the 28 reported cases in Guinea occurred in 1984 and 1985 in the context of a coup d'état. It may be noted that the Working Group has received no reports of disappearances occurring in Guinea after 1985.

197. Despite a full retransmittal of these cases in 1994, at the request of the Government of Guinea, no information was received by the Working Group with regard to these cases. The Working Group is, therefore, still unable to report on the fate or the whereabouts of the disappeared persons.

Haiti

198. In the light of General Assembly resolution 46/7 of 11 October 1991, in which the Assembly affirmed as unacceptable any entity resulting from the attempted illegal replacement of the constitutional President of Haiti and demanded the immediate restoration of the legitimate Government of President Aristide, the Working Group renewed its decision not to address its communications to the de facto authorities of Haiti. However, in 1994, for humanitarian reasons, the Working Group transmitted eight newly reported cases of disappearance, under the urgent action procedure to Mr. François Benoît, Port-au-Prince, Haiti. These cases occurred between the months of March and July 1994. On 15 October 1994, President Aristide returned to Haiti and replaced the de facto authorities.

199. The majority of the 48 reported cases of disappearance occurred in three waves during the periods 1981-1985, 1986-1990 and 1991-1993. Most of the cases which occurred during the first period concerned members or supporters of the Haitian Christian Democrat Party who were allegedly arrested by members of the armed forces or by the Tonton Macoutes. The cases that occurred during the second period concerned persons who were reportedly arrested by armed men in civilian clothes, members of the Anti-Gang and Investigation Service, and by the police. The last wave of cases took place in the aftermath of the coup d'état which ousted elected President Aristide.

200. The newly reported cases concern supporters of a popular organization known as OP-17 who were allegedly abducted by members of the Front for the Advancement and Progress of Haiti (FRAPH) as they were going to a meeting. In another case, the person was reportedly arrested by members of the security forces and has not been seen since. One case concerns a woman political activist, abducted from her home by eight armed men, some in civilian clothing, others in military uniform, following several interviews given by her husband, a political refugee in the United States, to the "Voice of America", in which he was critical of the de facto authorities. Four cases concern members of a peasant organization called "Federasyon Gwoupman Peyizan Kombit Laveje Sodo", who were reportedly arrested at their homes by uniformed members of the police.

Information received

201. According to reports received from non-governmental organizations, there was a drastic increase in the number of disappearances in Haiti in 1994, which is said to be indicative of the overall deterioration of the human rights situation in Haiti following the coup d'état on 30 September 1991 which toppled the democratically elected President, Jean-Bertrand Aristide.

202. Most disappearances were reportedly carried out by the army and its civilian allies in FRAPH, as well as by the police.

203. According to testimonies provided by a number of victims who reappeared, disappearances followed a similar pattern: victims were forcibly abducted from their homes or on the street by uniformed or armed men in civilian clothing and taken away to a secret location for interrogation and torture. Many are said to have been interrogated about their political or union activities or their relationship with other activists. Many of the victims were members of popular organizations or relatives of such members, or had close ties with a political organization or union. The reported aim of their abductors is to obtain information on the activities or members of these organizations, as well as to terrorize the popular movements in favour of the return of President Aristide.

204. The present rhythm of disappearances is said to indicate that it has become a systematic practice, part of the overall sharp increase in human rights violations, including assassination, rape, and arbitrary arrest. There is no evidence to indicate that these crimes have been investigated,

much less prosecuted by the authorities. On the contrary, their recent escalation evidently testifies that they have been committed with full impunity.

205. Although several reminders were sent, no information was received by the Working Group from the de facto authorities in Haiti with regard to the above cases of disappearance. The Working Group looks forward to opening a fruitful dialogue and cooperation with the new Government of Haiti, with a view to settling the outstanding cases.

Honduras

206. During 1994, the Working Group transmitted three newly reported cases of disappearance to the Government of Honduras, one of which reportedly occurred in September 1993 and two in 1994.

207. The majority of the 196 cases of disappearance reported to the Working Group occurred between 1981 and 1984, a period during which members of battalion 3-16 of the armed forces and heavily armed plainclothesmen seized people perceived as ideological enemies in their homes or on the street, and took them to clandestine detention centres. The systematic practice of disappearance ended in 1984, although sporadic cases have continued to occur.

208. One of the newly reported cases concerns a Nicaraguan citizen who was first detained in April 1981, and again in March 1993, on suspicion of being a member of the Sandinista National Liberation Front. Following his detention in March 1993, his whereabouts have remained unknown. Police officers in Choluteca have reportedly refused to investigate his disappearance, claiming that the complaint was filed too late. The second case concerns a salesman who was allegedly arrested by a number of individuals, including civilians, under the command of a police sergeant. His arrest was reportedly linked to a prior criminal act in which the son of one of the above-mentioned civilians died. The other case concerns a housewife who went to the police concerning the arrest of the salesman. Both cases occurred in the department of Colon in September 1994.

Information received

209. According to reports received from non-governmental organizations, the practice of enforced or involuntary disappearance was systematic and general in Honduras during the 1980s, especially from 1982 to 1984. The reports state that for years the authorities took no action to clear up these cases and prosecute those responsible, some of whom allegedly still occupy positions of responsibility. However, the preliminary report prepared by Dr. Leo Vallardes Lanza, National Commissioner for the Protection of Human Rights, and published on 29 December 1993 establishes the responsibility of the military and civilian officials for the clandestine, systematic and organized disappearance of 184 persons suspected of having links with armed opposition groups during the 1980s.

210. The preliminary report, entitled "The facts speak for themselves", is said to have put an end to years of passivity by successive Governments with regard to the problem of the disappearances. According to the report, the

fact that the authorities tolerated the crimes, and the impunity with which they were committed, was perhaps more damaging than the actual violation of human rights.

211. According to the report, the victims were persons arbitrarily deemed dangerous by those who claimed to be protecting the security of the State. In order to be a potential victim it was enough to be a student, a trade union leader or member, a peasant leader, a supporter of an opposition party or of a political group regarded as left leaning, or to be suspected of sympathizing with the Frente de Liberacion Nacional Farabundo Martí of El Salvador or the Sandinista Government of Nicaragua. The report indicates two general types of disappearance. The first type, which was selective, was planned and carried out by special units of the armed forces (usually by the National Investigation Department) and of each military corps (G-2), and in particular battalion 3-16. The second type was part of the ordinary activity of the military and police forces. The armed groups of the Nicaraguan opposition, known as "contras", allegedly also caused the disappearance of Nicaraguan citizens in Honduras.

212. A common feature of the cases examined in the preliminary report is the non-fulfilment by the judiciary of their obligation to protect citizens. Applications for the remedy of habeas corpus were not dealt with as promptly as required by the Constitution and unfailingly produced no results whatsoever. As a rule, judges would not carry out investigations at the scene of the crime and ignored accusations and evidence that would enable an accurate identification to be made of the persons allegedly responsible. They took no action against the perpetrators and planners of the crimes. The certainty that those responsible would go unpunished, because of the lack of any investigation or judicial sanction, obviously contributed to the continued perpetration of these crimes. The Government's indifference and the ineffectiveness of the judiciary with respect to the disappearances thus undermined the very bases of the State and the rule of law.

213. The National Commissioner recommended that the persons mentioned in his report should appear before the courts for the purpose of determination of their responsibility and punishment of the guilty. The Commissioner also requested identification of the clandestine cemeteries where many of the persons who had disappeared are alleged to be buried and the opening of the military files concerning the counter-insurgency operations.

214. One non-governmental organization alleged that the recommendations contained in the preliminary report of the National Commissioner were disregarded by former President Callejas. Similar opposition is said to have been shown by the official spokesmen of the Armed Forces, who refused to open military records on the grounds that they contained information involving national security.

215. During 1994, no information was received by the Working Group from the Government concerning the outstanding cases. The Working Group is, therefore, unable to report on the fate or whereabouts of the disappeared persons.

India

216. During 1994, the Working Group transmitted 11 newly reported cases of disappearance to the Government of India. Six of these cases reportedly occurred in 1994 and were sent under the urgent action procedure. During the same period, the Working Group clarified eight cases. The Working Group also transmitted to the Government one case, updated with new information from the source.

217. The majority of the 224 cases of disappearances reported to the Working Group occurred between 1983 and 1994, in the context of ethnic and religious disturbances in the Punjab and Kashmir regions. The disappearances in both regions were primarily attributable to the police authorities, the army and paramilitary groups acting in conjunction with, or with the acquiescence of, the armed forces. In Kashmir, numerous persons are said to have disappeared after "shoot-outs" with security forces. The disappearances were alleged to have been the result of a number of factors related to the wide powers granted to the security forces under emergency legislation, in particular the Terrorist and Disruptive Activities Act and the Public Security Act. In addition to allowing preventive detention, these laws reportedly allowed prolonged detention without the many other normal safeguards available under the criminal codes.

218. Ten of the newly reported cases occurred in the Punjab region, and one case in Kashmir. The victims included several shopkeepers, a student, a day labourer, a lawyer who was reportedly well-known for defending Sikhs detained in the Punjab and two journalists believed to have disappeared because of their alleged links with secessionist movements and for having publicly criticized the Punjab authorities. Another case concerned a member of the Baveriya caste living in Uttar Pradesh, who was reportedly arrested in 1994, together with his wife and his 80-year-old father, and later released after having allegedly been beaten by the police.

Information received

219. The Working Group received information of a general nature from a number of non-governmental organizations. During the current reporting period, the Working Group received fewer cases of disappearance or communications concerning the general situation in the country than in the past. This is reportedly due to the fact that people inside the country fear reprisals should they report on human rights violations. The disappearance of human rights lawyers and activists is said to have created an atmosphere of fear and distrust. It is further reported that the persons who have disappeared are mostly young men suspected of connections with armed secessionist groups. According to the information received, in Jammu and Kashmir disappearances are carried out by the army and paramilitary groups, while in Punjab it is primarily the police which is responsible for disappearances. In the majority of cases, the Government is said to deny holding the detainees. For the few cases in which the authorities have acknowledged the detention, those responsible are said to have operated with impunity, not being held accountable or punished. According to

non-governmental organizations, there are as many as several thousand cases of disappearance in the Punjab. The need for the Government to keep accurate and public records on detainees was stressed.

220. By letter dated 3 December 1993, which was received after the adoption of last year's report, the Government replied concerning seven individual cases, denying having arrested or detained five of the alleged missing persons; in one case it reported that the subject was a hard-core terrorist who had absconded a year ago, while in another case the Government reported that the person could not be traced because of a lack of accurate details concerning his private address.

221. By letter dated 28 November 1994, the Government provided information on 23 cases. With respect to one case, the Government admitted the persons' detention. Two of the cases reportedly concerned criminals who were wanted by the police, and two other cases were before the courts. With regard to eight cases, nothing was revealed in the investigation to substantiate any of the allegations made in the communication. In one case, the Government denied the arrest of the person concerned. It stated that no investigation could be carried out in two cases, owing to a lack of information. With respect to seven cases, more time was needed for the investigation.

222. In response to the general allegations, the Government stated that allegations that there is a general atmosphere of fear and distress and people inside the country fear reprisals should they report on human rights violations are sweeping and baseless and contradicted by fact. It said that respect for human rights was enshrined in the Indian Constitution, and that India had a constitutionally established and independent judiciary which functioned in a multi-party democratic system. With regard to alleged cases of disappearance of young men connected with armed secessionist groups in the States of Jammu and Kashmir and Punjab, the allegations were false. The Government referred to the problem of terrorism in these two States. The Government denied the allegations that there may be several thousand cases of disappearances in Punjab. It further stated that it was unfair to allege that in Jammu and Kashmir disappearances were carried out by the army and paramilitary groups, while in Punjab it was primarily the police who were responsible. Such reports failed to make a fundamental distinction between the complex problems arising out of terrorism and insurgency and the maintenance of public order in a normal situation. The Government stated that there were no provisions which guaranteed any form of impunity to the law enforcement and security forces against prosecution or other disciplinary proceedings for any excesses or human rights violations. Scrupulous care had been taken to protect the rights of the individual under due process of law. Habeas corpus was available to all under the Indian judicial system in all circumstances. Wherever there was any suspicion of police excesses, action was taken. In Punjab, action had been taken against 210 police personnel, in the State of Jammu and Kashmir, action had been taken against 170 officers and men of the army and security forces. Finally, the Government stated that it was its policy to cooperate fully with the Working Group. All cases of alleged disappearance which were brought to the attention of the police authorities were investigated.

Indonesia

223. During 1994, the Working Group transmitted four newly reported cases of disappearance to the Government of Indonesia. During the same period, the Working Group retransmitted nine cases to the Government, updated with new information from the sources. It also considered clarified, on the basis of information previously provided by the Government, five cases on which no observations had been received from the sources within a period of six months. In addition, the Working Group informed the Government that four cases had been deleted from the statistics owing to duplication.

224. The majority of the 418 cases of reported disappearance in Indonesia occurred in 1991 and were related to the incident at the Santa Cruz cemetery in Dili, East Timor when, on 12 November 1991, security forces opened fire on peaceful mourners during a memorial service for two youths who had been killed in a clash with the police. It is alleged that over 200 persons were killed and that about the same number of people disappeared on or shortly after 12 November 1991.

225. The three newly reported cases are also alleged to have occurred in East Timor, all of them in 1992. The first case concerns an individual who was allegedly arrested in Dili on 28 November 1992, by the armed forces, following a meeting organized by the army commander of the Barat sector in Dili in which the subject took the floor to voice criticisms against the Government. In the second case, the individual concerned was allegedly arrested by the armed forces on 6 October 1992 in the city of Ossalugu while on his way home from work. In the third case, the person concerned was allegedly arrested at the Dili airport on 19 September 1992 by the armed forces.

Information received

226. Reports of a general nature on disappearances in Acheh and East Timor were received from several non-governmental organizations. It was alleged that during 1994 there was an increase in human rights violations, including enforced disappearances, in Acheh, in particular in the capital of Bandar Acheh. Many of the victims are said to have been accused of having sympathized with the Free Acheh Movement.

227. Serious concern was expressed about the Government's failure to investigate properly and provide adequate information on the fate and identity of those persons killed or disappeared in East Timor after the Santa Cruz incident in 1991. The Government is said to have located the remains of only 19 of the dead, and to have positively identified only one person.

228. It is further alleged that those responsible for the human rights violations committed at the Santa Cruz cemetery have never been brought to justice and that security forces are able to operate with impunity. On the rare occasion when soldiers are prosecuted for human rights violations, their punishment is reportedly not commensurate with the severity of the crimes they have committed, and there is said to be a serious discrepancy in the sentencing of military personnel and peaceful civilian protesters. Concern

was, moreover, expressed that the recently created National Human Rights Commission had decided not to investigate past violations, thereby closing another avenue of redress for the families.

229. During 1994, the Government replied to a number of individual cases. With regard to six cases, the Government informed the Working Group that, after a thorough search, it had been determined that there were no persons with the subjects' names registered in any detention house. With regard to two other cases, the Government reported that the persons concerned had been released, and with respect to three other cases, it stated that endeavours to find them had been and were being conducted in a rigorous and thorough manner.

230. In response to the general allegations transmitted to it, the Government replied that allegations submitted by the non-governmental organization Acheh/Sumatra National Liberation Front were not credible, and the allegations that there was an increase in human rights violations in Acheh province were totally baseless. In response to the allegations that those responsible for the Dili incident in 1991 had never been brought to justice, the Government replied that those allegations were unsubstantiated and that the Military Honorary Council had been set up to investigate military personnel involved in the incident. As a result of the findings and decisions of that body, disciplinary action had been taken against several officers and military personnel involved in the incident.

Iran (Islamic Republic of)

231. During 1994, the Working Group transmitted one newly reported case of disappearance to the Government of the Islamic Republic of Iran, which was reported to have occurred in 1992.

232. The majority of the 508 cases of reported disappearance occurred between 1981 and 1989. Some of the missing persons were reportedly arrested and imprisoned for their alleged membership in armed opposition groups. Many of their relatives have reportedly been unable to trace their whereabouts or to seek assistance from lawyers, since there is no independent bar association, and many lawyers have been forced to abandon their profession. There are no legal provisions for the relatives of the missing persons to file writs of habeas corpus.

233. The newly reported case concerned an Iranian employee allegedly detained by members of the Islamic Revolutionary Guards Corps.

Information received

234. The Working Group has received reports about the arrest and detention of people in circumstances which do not permit the relatives of the arrested person to be informed either of the arrest or of the individual's subsequent whereabouts. It was reported that many such arbitrary arrests and detention were carried out by the police, the State security police, the Gendarmerie, the Islamic Revolutionary Guards Corps (Pasdaran), the Islamic Revolutionary Committees (Komitehs), the Political-Ideological Bureau of the Armed Forces; the Basijis and irregular paramilitary forces of volunteers. Detainees were

said to be held in incommunicado detention, frequently for extended periods of solitary confinement, and were completely isolated from any contact with their family and lawyers.

235. It was further alleged that most Iranians arrested for political or security offences remained in unacknowledged detention and that inquiries made by relatives generally went unanswered. It was further said that relatives feared reprisals if they reported cases of disappearance either to the authorities or to international organizations. Therefore, the most relatives dared to do was to seek information through personal channels. Reportedly, such an atmosphere of insecurity explained the refusal of relatives to denounce cases of disappearance and unacknowledged detention.

236. During 1994, no new information was received from the Government with regard to the outstanding cases. The Working Group is, therefore, unable to report on the fate and whereabouts of the disappeared persons.

Iraq

237. During 1994, the Working Group transmitted a total of 5,335 newly reported cases of disappearance to the Government of Iraq, of which none were reported to have occurred in 1994. The cases were submitted by non-governmental organizations. No cases of reported disappearances in Iraq were clarified in 1994.

238. The great majority of the 15,905 cases of disappearance reported to have occurred in Iraq concern persons of Kurdish ethnicity who allegedly disappeared in 1988. A significant number of other cases concern persons of Arab ethnicity of the Shi'a faith who are reported to have disappeared in the late 1970s and early 1980s.

239. Of the 5,335 cases transmitted in 1994, 4,982 concern persons of Kurdish ethnicity who are reported to have disappeared in the region of Khalar in the spring of 1988 during the Anfal operations then being conducted by the Government of Iraq. The remaining 353 cases transmitted in 1994 concern principally persons of Arab ethnicity, of the Shi'a faith from south-central Iraq, who are reported to have disappeared in the early 1980s in the course of the expulsion of their families to Iran on the allegation that they were of "Persian ancestry".

Information received

240. According to information received from non-governmental organizations, the general situation of human rights in Iraq continues to be poor, featuring increasing criminality and a further decline in the rule of law, especially in the southern part of the country. The ability of family members of disappeared persons to obtain information from the authorities concerning the fate of those missing continues to be constrained by a fear of reprisals and a generalized absence of trust in the established institutions. Such fear is reported to be founded upon, among other things, laws which hold family members responsible for established or alleged conduct of other family members.

241. In 1994, the Working Group continued to receive information concerning cases of persons reported to have disappeared in Iraq some years ago. However, because of a shortage of human and material resources, information on some 300 persons has yet to be processed so as to be brought before the Working Group for examination of and decision in each case.

242. By a letter dated 15 March 1994, information was received from the Government of Iraq concerning five previously transmitted cases, but the Working Group found the information provided by the Government to be insufficient to clarify the cases.

Observations

243. Iraq is currently the country with the highest number of disappearances on the files of the Working Group. This is a situation of extreme concern to the Group, especially in view of the alleged climate of continuing intimidation and retaliation which, in practice, makes it impossible for relatives of disappeared persons to take steps to establish the whereabouts of their family members. This situation is aggravated by the fact that ethnic and religious minorities, such as the Kurds and Shi'tes, are particularly affected.

244. The Working Group wishes to remind the Government of Iraq of its responsibility under the Declaration on the Protection of All Persons from Enforced Disappearance to investigate all past cases of disappearance with a view to establishing the fate of the persons concerned, and to bring the perpetrators to justice. To this end, a climate of security should exist in the country which enables family members of disappeared persons to exercise their right to complain to a competent State authority.

245. Although the Government of Iraq has provided information on some cases, the Working Group urges the Government to cooperate fully with it, in order to determine the fate and whereabouts of the disappeared persons.

Israel

246. During 1994, the Working Group transmitted one newly reported case of disappearance to the Government of Israel and retransmitted one case, updated with new information from the source.

247. There are, at present, two outstanding cases in Israel. The first case reportedly occurred in 1991 and concerns a Palestinian living in the West Bank who was believed to have been detained by the Israeli security forces. The newly reported case is said to have occurred in 1992 in Jerusalem and concerns a man who allegedly did not return home from work. He is believed to be detained in a prison in Tel Aviv.

248. During 1994, no information was received from the Government of Israel with respect to either of these cases. The Working Group, therefore, is unable to report on the fate and whereabouts of the disappeared persons.

Kazakhstan

249. During 1994, the Working Group transmitted to the Government of Kazakhstan, for the first time, two cases of disappearance which reportedly occurred in 1994. The cases concern persons of Uzbek nationality who were allegedly members of the Uzbek political party "Erk". They are said to have been living as refugees in Kazakhstan and were reportedly abducted from their home in Almaly by six officers, allegedly working for the Uzbekistan Ministry of the Interior. It was believed that their abduction might have been connected to their activities for a newspaper, reportedly produced outside Uzbekistan and distributed clandestinely inside the country.

250. In accordance with the Working Group's methods of work, these cases were transmitted to the Government of Kazakhstan, the country where the abductions allegedly occurred and a copy of the cases was sent to the Government of Uzbekistan, since their forces were implicated in the abduction. Kazakhstan, a former republic of the Soviet Union, proclaimed its independence on 16 December 1993.

251. At the time of the adoption of the present report, the Working Group has not received any information from the Government of Kazakhstan with regard to these cases. The Working Group, therefore, is unable to report on the fate and whereabouts of the disappeared persons.

Kuwait

252. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Kuwait.

253. The only outstanding case was submitted by a relative of the victim and concerns a "bidoun" of Palestinian origin with a Jordanian passport, who was reported to have disappeared in 1991 in the aftermath of the occupation of Kuwait by Iraqi forces.

Information received

254. During the period under review, the Government of Kuwait sent several replies concerning this case. In one communication it stated that the competent authorities had no record of the subject, and denied any involvement regarding this case. The source contested the Government's reply and still believes that the subject is detained in Kuwait. On 17 October 1994, the Government of Kuwait requested additional information from the source in order to enable the Kuwaiti authorities to investigate further the whereabouts of the victim.

255. At its forty-fourth session, on 30 November 1994, the Permanent Representative of Kuwait to the United Nations Office at Geneva met with the Working Group and reconfirmed the willingness of his Government to cooperate with the Group. He said that his country, at the highest level, attached a great deal of importance to the one outstanding case in Kuwait. The Government understood the anguish of the family members and was aware of the social and humanitarian implications of disappearance for the family. The Ambassador described for the Working Group the situation in Kuwait following

the invasion by Iraq. He said that one particular difficulty was the absence of documentation and records for this period. He reiterated the willingness of his Government to cooperate with the Working Group and to continue the search to determine the whereabouts of the disappeared person.

256. The Working Group received a reply from the Government of Kuwait to the questionnaire on the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance.

257. The Working Group welcomes the fact that the Government has distributed the Declaration to the competent authorities and has ensured that the media have made it known to the public at large. The Government states that it considers all acts entailing enforced disappearance to constitute a flagrant violation of human rights.

258. The reply to the questionnaire provides extensive information concerning procedures relating to detention, and legal measures taken in cases of enforced or involuntary disappearance. It also reports on legislation in the area of prevention and prosecution of persons responsible for enforced or involuntary disappearances. The Government further states that it has not found it necessary to promulgate special legislation in this connection, since adequate provisions exist in the Kuwaiti Penal Code; such acts are regarded as punishable offences when committed by public officials. Provisions concerning disappearances are also embodied in the Constitution, the Civil Code and in the Act of the Organization of the Judiciary.

259. The Government further reported that, according to Kuwaiti law, the maximum period during which a person may be held in incommunicado detention is seven days.

Lao People's Democratic Republic

260. During 1994, the Working Group transmitted to the Government of the Lao People's Democratic Republic, for the first time, one case of disappearance, which reportedly occurred in 1993. The case concerns the leader of the repatriation groups returning to Laos, who reportedly left his residence with an official from the Department of the Interior to go to the Laotian Department of the Interior to discuss the future home for the returning repatriation groups. Since then, his whereabouts have remained unknown.

Information received

261. During the reporting period, the Government of Laos informed the Working Group that it had no record of any contact between the Ministry of the Interior and the subject on the day of the latter's disappearance. The Government stated that its investigation to locate the subject had, so far, been to no avail, but that it would not fail to bring to the Working Group's attention any further information it might receive.

Lebanon

262. During 1994, the Working Group transmitted one newly reported case to the Government of Lebanon.

263. The majority of the 249 cases of disappearances reported to the Working Group occurred in 1982 and 1983 in the context of the Lebanese civil war. Those responsible for the disappearances are said to have belonged to the Phalangist Militia, the Lebanese Army or its security forces; in some cases, the Israeli Army was also reportedly involved in the arrest, together with one of the other forces mentioned above. Most of the detentions occurred in Beirut and its suburbs. Certain reports indicated that the arrests were made by armed men in civilian clothes operating from vehicles. In a number of cases, the missing person was reportedly arrested and taken away from the Sabra and Shatila camps in September 1982. In some cases which reportedly occurred in 1984, 1985 and 1987, the arrested persons were foreign nationals who were abducted in Beirut. In some of these cases, religious groups such as the "Islamic Holy War" later claimed responsibility for the abductions.

264. The newly reported case is said to have occurred in September 1992. It concerns a member of the political bureau of the Phalangist party who was allegedly abducted in front of his home, said to be in an area under the control of Syrian troops, by a group of armed men in civilian clothes.

Information received

265. During 1994, the Working Group received several communications from the Government of Lebanon. In one note verbale, the Government again drew the Working Group's attention to the fact that the Lebanese authorities were not in control of the regions of the country where these disappearances had occurred because of the state of war which existed in Lebanon at that time. In a letter dated 15 June 1994, the Working Group reminded the Government of Lebanon of its obligation to do its utmost to elucidate the cases of disappearance transmitted to it in the past. Reference was made to the applicability of article 7 of the Declaration on the Protection of All Persons from Enforced Disappearance to the circumstances which affected Lebanon at the time of the above disappearances. This article particularly emphasizes the continuing responsibility of Governments to undertake all requested investigations, until the fate of the missing persons is fully elucidated. In another communication, the Government of Lebanon informed the Working Group that the security forces had conducted the necessary investigations regarding the missing persons, in particular with religious and humanitarian organizations, but they had not found any new substantive elements. With regard to the case transmitted in 1994, the whereabouts of the person concerned remained unknown.

266. The Government of Lebanon also sent a reply regarding the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance. The Government indicated that the legislation and regulations in force in Lebanon already embodied the necessary provisions for the application of the Declaration and for the punishment of perpetrators.

267. Information was provided, in particular, on the rights of any suspects held in custody for more than 24 hours: the right to be presented before the court; the right to appoint a lawyer and to be contacted by him at any time, in private, during their detention; the right to be visited by their relatives and the judicial authorities; and the right to apply for release, regardless of the nature of the offence, at any stage of the judicial procedure.

Libyan Arab Jamahiriya

268. During 1994, the Working Group transmitted its first case of a reported disappearance to the Government of Libya. The case concerns a Sudanese translator at the International Centre of Research of the Green Book in Tripoli, who reportedly disappeared in 1993.

269. To date, no response has been received from the Government of Libya. The Working Group, therefore, is unable to report on the fate and whereabouts of the disappeared person.

Mauritania

270. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Mauritania. The one outstanding case reportedly occurred in 1990 and concerns a 21-year-old man who is said to have been taken away by members of the National Guard in a village in southern Mauritania during a nightly curfew. Reportedly, at this time, many people belonging to the "Hal-Pulaar" ethnic group in the south of the country were subjected to human rights violations, allegedly carried out by government forces and the Haratine militia.

Information received

271. During 1994, the Government of Mauritania informed the Working Group that, despite thorough investigations, it had not been able to identify the disappeared person or to confirm that a case of disappearance had occurred on the date and in the place referred to.

Mexico

272. During 1994, the Working Group transmitted 35 newly reported cases of disappearance to the Government of Mexico, under the urgent action procedure. During the same period, it clarified three cases in which it was reported that the missing persons' remains had been found. In accordance with Commission on Human Rights resolution 1994/70, the Working Group sent a "prompt intervention" cable to the Government of Mexico requesting protection for representatives of four Mexican non-governmental organizations who allegedly had been subjected to acts of intimidation or harassment. The Working Group also eliminated two outstanding cases from its files owing to duplication and corrected the statistics.

273. The majority of the 291 reported cases of disappearance in Mexico occurred between 1974 and 1981. Ninety-eight of these cases took place in the context of the rural guerrilla warfare which was waged in the mountains and villages of the State of Guerrero during the 1970s and the beginning of the 1980s.

274. Most of the newly reported cases occurred in January 1994, in the context of the armed conflict in the State of Chiapas. Eighteen cases concern Tzeltal Indian peasants who were reportedly arrested on suspicion of belonging to the Zapatista National Liberation Army (EZLN). Three cases concern three members of the Coordinating Committee of Independent

Organizations of "Los Reyes de la Paz", who were reportedly arrested by members of the State Judicial Police in the State of Mexico in September 1994. Ten cases occurred in November 1994 in the city of Comitan, State of Chiapas, and concern persons who were reportedly detained by members of the Public Security Police while taking part in a political demonstration. The other four cases concern Ch'ol and Tzeltal Indian activists reportedly detained in November 1994 in the town of Palengue, State of Chiapas.

Information received

275. According to information received from non-governmental organizations, the authorities have made slow progress in investigating the hundreds of cases of disappearance which occurred throughout the 1970s and during the early 1980s. According to these non-governmental organizations, the competent federal and State authorities have failed to implement recommendations made by the National Commission on Human Rights in relation to cases of violation of human rights.

276. The extrajudicial executions and disappearances in the rural areas of the State of Chiapas occurred when a previously unknown opposition group, the Ejército Zapatista de Liberación Nacional (EZLN), took control of a number of towns in Chiapas on 1 January 1994. On 5 and 6 January 1994, aerial bombing was carried out on indigenous communities near the town of San Cristobal de las Casas and fierce fighting between the armed forces and the rebels took place in the thick jungle areas of the State. Eighteen disappearances were reported in January 1994. The remains of three missing members of the Tzeltal indigenous community of Morelia were found on 11 February 1994, bearing traces of torture.

277. On 12 January 1994, the Government decided to seek a political rather than a military solution to the conflict and unilaterally declared a cease-fire, decreed a general amnesty and established a national commission for general development and social justice in the indigenous communities. However, reports have been received which indicate that, despite the adoption of these measures by the Government, members of the armed forces have harassed human rights monitors, for the alleged purpose of compelling them to withdraw complaints that the army participated in violations and abuses of human rights.

278. Non-governmental organizations also reported that one of the disturbing features of the Chiapas conflict consisted in the Mexican Army assuming de facto authority to enforce the law, which led them to arrest, detain and interrogate suspects and carry out searches and seizures. On 26 April 1994, the Agency for the Coordination of National Public Security was established by presidential decree, reporting directly to the President. Attention has been drawn to the fact that the presidential decree does not set any precise limits to the powers of the armed forces in protecting public security and that it weakens the constitutional and legal controls over the armed forces and the law enforcement agencies, thus undermining the individual guarantees of the population and weakening the criteria of responsibility. There have also been reports that EZLN members have prevented officials of the National

Commission on Human Rights from investigating several complaints of disappearances in the community of San Miguel in the municipality of Ocosingo (Chiapas).

279. By two notes verbales dated 6 September and 29 November 1994, the Government of Mexico provided information on the activities of the Special Programme of the Mexican National Commission for Human Rights regarding Alleged Disappearances, during the period from May 1993 to May 1994. According to the information received, the National Commission carried out 119 inspections in 24 Mexican states. An average of two investigators took part in each inspection for an approximate period of five days. Various investigations were conducted in each state and included interviews with and affidavits from relatives, witnesses and public employees; requests for and the handling of information from different government and private agencies; searches of the archives; the exhumation of bodies, the location of missing persons and other actions. A total of 1,293 acts of investigation were performed during the inspections in the states.

280. During its forty-second and forty-third sessions, the Working Group met with representatives of the Mexican National Commission for Human Rights, who gave an account of the National Commission's activities and provided the Working Group with extensive information on 28 cases of disappearance which occurred between 1974 and 1983. In eight cases the Working Group decided to consider them clarified if there was no objection from the family within six months. In five cases, the Working Group requested to be provided with copies of the legal decisions of presumption of death of the persons reported missing, pronounced with the concurrence of the relatives. The information provided on the other 15 cases was considered by the Working Group as insufficient to constitute a clarification.

281. With regard to 11 cases which occurred in the State of Chiapas, the National Commission for Human Rights reported that it had begun the corresponding investigation, which, however, had met with complications when people who claimed to be members of EZLN denied its staff access to the zone and refused to give any information on the missing persons. With regard to the three cases which occurred in the State of Mexico, the National Commission reported that those persons had been released on bail with security on 14 September 1994.

Morocco

282. In 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Morocco.

283. The majority of the 231 cases of disappearance were reported to have occurred between 1972 and 1980 and during the 1980s. Most of them concerned persons of Western Saharan origin who were reported to have disappeared in territories under the control of the Moroccan forces, because they or their relatives were known or suspected supporters of the Polisario Front. Students and better educated Sahraouis were reported to have been particularly targeted. In some instances, disappearances allegedly followed the mass arrest of persons after demonstrations or before visits of prominent persons or officials from other countries.

284. Disappeared persons were reported to have been confined in secret detention centres, such as Laayoune, Qal'at M'gouna, Agdz and Tazmamart. Cells in some police stations or military barracks, and secret villas in the Rabat suburbs, were also allegedly used to hide the disappeared. Despite the release in 1991 of a large group of prisoners, several hundred other Western Saharans are said to remain unaccounted for, and their families are reportedly still pursuing their enquiries with the Moroccan authorities and detention centres.

285. At its forty-second session, the Working Group received two representatives from the Association de défense des droits de l'homme au Maroc. One of the representatives had himself been the victim of disappearance for nine years and gave testimony to the Working Group about his experience.

286. According to information received from non-governmental organizations, the amnesty proclaimed on 19 July 1994 by the King of Morocco for more than 400 persons detained for political reasons, and the improvement of legislation regarding "garde à vue" have not contributed to much progress with respect to disappearances.

287. For many families of disappeared persons, and particularly for those of Western Saharan origin, prospects are said to remain bleak. No official investigations, it is alleged, have ever been carried out to determine the present fate and whereabouts of these persons or to determine why some of these people have been held, in a number of cases, up to 16 years in secret detention places such as Tazmamart, without charge or trial.

288. Even once released, many of these persons have been reportedly denied health care, relief, education or job opportunities, as well as other rehabilitation and compensation measures they should be entitled to. In addition, it is alleged that they have been restricted in their movements or communication with the outside world, and sometimes threatened with death, should they too widely disclose their experiences.

289. As the above circumstances have now allegedly prevailed for many years, wives of missing persons are said to find themselves not married, but not divorced or widowed. Children, if not orphans as such, no longer have a father. In such situations, families of missing persons are allegedly deprived of their right to inherit, or have their property distributed.

290. During the period under review, the Government of Morocco informed the Working Group that, in a speech to the Parliament on 15 June 1994, the Minister for Human Rights had indicated the steps taken regarding the question of missing persons. Investigations conducted with a view to responding to several non-governmental organizations which alleged the "disappearance" of between 200 and 500 Saharans had revealed that 40 persons had died in the course of hostilities and had been officially identified; two persons had died natural deaths; 53 persons were under the jurisdiction of the Royal Armed Forces in Agadir; and two persons were enjoying complete freedom, one being a civil servant in Laayoune, and the other retired and

living in the town of Smara. There were 97 of these persons, contrary to the claim that hundreds had disappeared. Investigations were now in progress regarding another group of 60 persons.

291. During an exchange of views with the Working Group, at its forty-fourth session, the Government of Morocco, represented by the Directeur de la Concertation et de la Défense des droits de l'homme of the Ministry of Human Rights and the Chargé d'affaires a.i. of the Permanent Mission of the Kingdom of Morocco to the United Nations Office at Geneva, highlighted the complexity and sensitivity of the issue of disappearances in the country. The Ministry of Human Rights had compiled a maximum amount of information on cases of disappearance provided by associations, families and friends of disappeared persons. It also had mobilized all departments concerned in the Government to undertake the necessary investigations, with a view to identifying the whereabouts of these persons, and to providing rehabilitation and compensation to the victims.

292. The Government of Morocco informed the Working Group that the group of 53 persons held by the Royal Armed Forces had been visited by the International Committee of the Red Cross and were held in conditions that conformed with internationally recognized standards.

293. Regarding the 33 people who had died in Tazmamart Fort, the Ministry of Human Rights was now cooperating with the Ministries of Defence and Justice in order to deliver to the concerned families death certificates for their relatives and to examine what kind of assistance and compensation measures might be contemplated on their behalf. As far as the 28 released former detainees of Tazmamart were concerned, the Ministry of Human Rights had interviewed each of them and assessed their personal needs, health and otherwise. Even before the completion of that evaluation and the adoption of related measures to compensate those persons, the Government had decided to grant them a provisional monthly subsidy of DH 5,000, which corresponded to a monthly salary of a doctor or an engineer.

294. In addition, the Government of Morocco, provided the Working Group with information concerning 15 other cases. It confirmed that seven persons had died in Tazmamart during the 1970s and 1980s, and that death certificates had been remitted to their families in 1994, except in one case. Another former detainee in Tazmamart was said to have been released in 1992 and to be living in Rabat. The Government indicated that in one case, the person had died, following an illness. Another person who had been identified was said to have died in the course of military operations. For five disappeared persons, the Government provided their current addresses.

295. The Government of Morocco also submitted its reply regarding the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance. It reported that the Declaration had been widely disseminated in both Arabic and French, and that Morocco had embarked on a policy of making human rights an integral part of education and training.

296. The Government of Morocco referred inter alia to measures taken to punish those responsible for human rights violations. Other issues, such as the notification of lawyers and families of detained persons, the obligation

for penal institutions to keep registers of detainees and the right of detained persons to request medical examinations, were mentioned. However, the Working Group noted that the act of enforced disappearance as such does not seem to constitute an offence under the criminal code of Morocco.

Mozambique

297. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Mozambique.

298. The one outstanding case reportedly occurred in November 1974 and concerned the President of the Mozambique Revolutionary Committee, who was said to have been arrested in 1974 in a hotel in Blantyre, Malawi, and to have been taken first to Mozambique and then to the southern part of Tanzania. It was believed that he was then transferred to Niassa province, Mozambique.

299. Although several reminders have been sent, no information has ever been received by the Working Group from the Government of Mozambique with regard to this case. The Working Group, therefore, is unable to report on the fate and whereabouts of the disappeared person.

Nepal

300. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Nepal.

301. The majority of the five outstanding cases of disappearance occurred in 1985. They concerned four men who reportedly disappeared from police custody in 1985. In late 1984, a series of nationwide political protests started in Nepal. In June 1985, following bomb explosions in Kathmandu and other cities, numerous persons were reportedly arrested and some of them were allegedly held in incommunicado detention for several months. The one other case of reported disappearance pending on the Working Group's books, occurred in 1993 and concerns a student who allegedly disappeared in Kathmandu.

Information received

302. During 1994, the Government replied concerning the case which reportedly occurred in 1993. The Government stated that no order of arrest had ever been issued and denied that the student had ever been detained, but assured the Working Group that investigations were continuing to locate his whereabouts.

Nicaragua

303. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Nicaragua.

304. Of the 232 cases reported to the Working Group, 131 have been clarified. These cases all occurred between 1979 and 1983, in the context of the internal armed conflict which took place during the decade of the 1980s. Many of the reports of these disappearances pointed to the involvement of

members of the army, the former Sandinist police, the former General Directorate for the Security of the State and the Frontier Guard.

305. The views of the Government of Nicaragua on the question of the outstanding cases of disappearance in that country were provided at a meeting held by a representative of the Government with the Working Group at its forty-fourth session. The representative stated that the current Government of Nicaragua was trying to determine the whereabouts and circumstances of the disappearance of the missing persons. In that task, however, the Government was facing several problems, most of them common to developing countries, such as the absence of civil registry offices, mainly in the north-eastern zones of the country; the absence of personal identity documents and identity cards; the custom of some indigenous people of changing their names whenever they moved to another locality; and the undocumented migration of a large number of persons. Nineteen per cent of the population had left the country and a significant percentage were internally displaced. In addition, most of the outstanding cases had occurred during the armed conflict, a time during which many victims had been buried without identification. In his opinion, the Working Group should adopt a more realistic approach for the clarification of the outstanding cases. The requirement of submitting death certificates or judicial certificates of presumption of death was considered by the representative not to be appropriate to the circumstances of the developing countries.

Pakistan

306. During 1994, the Working Group transmitted one newly reported case of disappearance to the Government of Pakistan, which reportedly occurred in 1994 and was transmitted under the urgent action procedure. During the same period, the Working Group clarified this case when it was reported that the person concerned, a member of an opposition political party, had returned to his regular activities.

307. During 1994, a review of the outstanding cases in Afghanistan revealed that four cases, in which persons were reportedly abducted in the territory of Pakistan in 1985 by an Afghan militia commander, had been erroneously sent to the Government of Afghanistan. In accordance with the Working Group's methods of work, these cases should have been transmitted to the Government of Pakistan, since the persons were last seen in that country. The four cases have now been sent to the Government of Pakistan and removed from the statistics of Afghanistan.

308. The majority of the 21 cases of disappearance reported to the Working Group are reported to have occurred in 1986 and between 1989 and 1991, and concern persons of Afghan nationality with refugee status in Pakistan. Most of the persons concerned are said to be affiliated with the Harakate Ingilaba Islami Afghanistan Party. The abductions reportedly took place in Peshwar, North West Frontier province, by persons belonging to a rival party, the Hezbe Islami Afghanistan, which was alleged to be acting with the acquiescence of the Pakistani authorities.

Information received

309. On 26 October 1994, the Government of Pakistan sent a reply to the case sent in 1994 under the urgent action procedure, in which it stated that the person concerned had reportedly gone into hiding in the tribal areas of Pakistan, following a rift within his own party. He had now returned to resume his normal activities.

Paraguay

310. No new cases of disappearance were transmitted by the Working Group to the Government of Paraguay in 1994.

311. Of the 23 cases transmitted by the Working Group to the Government of Paraguay, 20 have been clarified. All of these cases occurred between 1975 and 1977 under the military Government. It should be noted that the Group has received no reports of disappearances occurring in Paraguay since 1977. Several of the disappeared persons were members of the Communist party, including one who was Secretary-General of the party. Although disappearances took place in the capital, Asunción, the majority of the cases affected the rural population and were carried out in the districts of San José, Santa Helena, Piribebuy, Santa Elena and Santa Rosa.

312. During 1994, no information was received by the Working Group from the Government of Paraguay concerning the three outstanding cases. The Working Group, therefore, is unable to report on the fate and whereabouts of the persons concerned.

Peru

Activities of the Working Group in 1994

313. During 1994, the Working Group transmitted 29 newly reported cases of disappearance to the Government of Peru, two of which were transmitted under the urgent action procedure. Three of the cases reportedly occurred in 1994, 22 in 1993 and 4 in 1992. During the same period, the Working Group clarified 16 cases. The Working Group also retransmitted to the Government 13 cases, updated with new information from the source. The Government provided information on two other cases, but it was not considered sufficient to consider the cases clarified.

314. The majority of the 2,876 cases of reported disappearances in Peru occurred between 1983 and 1992 in the context of the Government's fight against terrorism, especially Sendero Luminoso (Shining Path). In late 1982, the armed forces and police undertook a counter-insurgency campaign and the armed forces were granted a great deal of latitude in fighting Sendero Luminoso and in restoring public order. While the majority of reported disappearances took place in areas of the country which had been under a state of emergency and were under military control, in particular in the regions of Ayacucho, Huancavélica, San Martín and Apurímac, disappearances also took place in other parts of Peru. Detentions were reportedly frequently carried out openly by uniformed members of the armed forces, sometimes together with the Civil Defence Groups.

315. Out of concern for the situation of disappearances in Peru, two members of the Working Group, at the invitation of the Government of Peru, visited that country from 17 to 22 June 1985 and again from 3 to 10 October 1986, on the Group's behalf. Their reports are contained in documents E/CN.4/1986/18/Add.1 and E/CN.4/1987/Add.1.

316. The newly reported cases are said to have occurred in the departments of Amazonas, Callao, Junin, Ancash/Santa and, the majority, 25 cases, in Ucayali, most of these in 1993. The forces alleged to be responsible for the disappearances included the army, civil defence forces, the national police, and in Ucayali, the "Marina de Guerra". The victims included 21 peasants, a professor, a student, a teacher, a 36-year-old man whose profession was not stated, a carpenter, a housewife and two tradesmen.

Information received

317. During the course of 1994, information of a general nature regarding the human rights situation in Peru was received. Several reports from non-governmental organizations referred to the decrease in the number of disappearances reported to have occurred in 1993, and stated that in part that was due to the fact that organizations had, at the end of 1993, not yet received information on disappearances having occurred in the interior of the country. They reported that while the number of disappearances had decreased in urban zones, that was not the case in areas such as Huanuco, Pasco and Junin. In particular, mention was made of some 76 cases of disappearance in Huanuco said to have been denounced to the "Fiscal provincial" in 1993. The Working Group is awaiting details on these cases.

318. Several non-governmental organizations expressed serious concern that the case against the military officers and a government official accused of having been involved in the disappearance and subsequent killing of nine students and a professor from La Cantuta University in July 1992, and the subsequent cover-up of the killings, had been tried by a military tribunal, in secret, and not by a civilian court.

319. The trial of the nine officers implicated in the killings opened on 12 February 1994 and a verdict was issued on 21 February, handing down sentences of between 1 and 20 years. While the sentencing of the material authors was seen by the organizations as positive, concern was expressed that the judge had exonerated the higher-ups who had actually given the orders, contending that the six men convicted of the killings had operated on their own.

320. Serious concern was expressed about the impunity enjoyed by members of the security forces in Peru. A major contributing factor to the impunity of those responsible for disappearances is said to have been the delay in establishing a central registry of detentions in Peru. Although the registry was finally inaugurated in 1994, as of mid-1994, only information from Lima is said to have been included.

321. Habeas corpus was said to be completely ineffective for persons accused of terrorism or treason, as well as those whose arrest was not acknowledged.

322. During its forty-second session, the Working Group met with the Permanent Representative of Peru to the United Nations, Ambassador Fernando Guillen. The Ambassador stressed the willingness of the Government of Peru to cooperate fully with the Working Group, and its commitment to clarify the outstanding cases. He also referred to the problem of terrorism in his country.

323. During the course of 1994, the Government of Peru provided a number of replies on individual cases and information of a more general nature to the Working Group. With respect to individual cases, the Government reported that in one case the subject had been released, in two cases the subject had been killed, in three other cases the person concerned had not been arrested or detained and that in another case, according to investigations carried out so far, the person's whereabouts still had not been determined, but he was believed to be a terrorist and living clandestinely.

324. The Government of Peru informed the Working Group about recent changes in Peru's anti-terrorist legislation. It said, inter alia, that it was now possible for persons detained on charges of treason, to have recourse to the Consejo Superior de Justicia Militar, while still maintaining their right to recourse before the Consejo Supremo de Justicia Militar. This was in order to provide such persons with further safeguards, and reduce the possibility of judicial errors which could lead to the condemnation of innocent persons. For persons detained on charges of treason, the procedure of habeas corpus had been reestablished and they could also now freely choose their lawyer.

325. The Government of Peru also provided statistics on violations of human rights alleged to have occurred in Peru in 1994. It informed the Group that from 1 January to 23 June 1994, there had been eight cases of alleged disappearances, two of which had been resolved, six cases of alleged extrajudicial executions, one of which was the subject of criminal proceedings before the ordinary courts, and eight cases of alleged torture or ill-treatment. These cases concerned all the complaints of alleged violations of human rights made in accordance with national legislation, and in respect of which the appropriate proceedings or investigations had been initiated. The Government noted that these statistics illustrated the positive and consistent downward trend in the number of complaints. It stated that while the process of general national pacification initiated by the Government was not problem-free, the results were clear.

Observations

326. The Working Group welcomes the decrease in the number of disappearances in recent years, and the cooperation of the Government of Peru with the Group.

327. While the Working Group understands the difficulties involved in combating terrorism, it continues to be concerned at the high number of cases of disappearances which remain unclarified. In this connection, it wishes to remind the Government of its responsibility under the Declaration on the Protection of All Persons from Enforced Disappearances to investigate all cases of reported disappearances and to bring the perpetrators to justice.

Philippines

328. During 1994, the Working Group transmitted to the Government of the Philippines five newly reported cases of disappearance all of which occurred in 1994 and were sent under the urgent action procedure. During the same period, the Working Group clarified five cases.

329. The majority of the 647 reported cases of disappearance occurred in the early 1980s, virtually throughout the country, and took place within the context of the Government's anti-insurgency campaign.

330. During the period 1975-1980, the persons who disappeared were reportedly farmers, students, social workers, members of church groups, lawyers, journalists and economists, among others. The arrests were carried out by armed men belonging to an identified military organization or to a police unit such as the Philippine Constabulary, the Central Intelligence Unit, the military police, the Integrated National Police, and other organizations. In the following years, the reported cases of disappearance concerned young men living in rural and urban areas, described as members of legally constituted student, labour, religious, political or human rights organizations, which the military authorities have claimed are a front for the outlawed Communist Party of the Philippines (CPP) and its armed wing, the New People's Army (NPA). Among the groups most commonly targeted were said to be KADENA (Youth for Democracy and Nationalism) and the National Federation of Sugar Workers.

331. Despite the peace talks initiated by the Government with several opposition movements, disappearances have continued in the 1990s, mainly in the context of violations committed by NPA, the Moro National Liberation Front, the Mindanao Islamic Liberation Front, the Citizen Armed Forces Geographical Units and the Civilian Volunteer Organizations.

332. Out of concern for the situation of disappearances in the Philippines, and at the invitation of the Government, two members of the Working Group visited the country from 27 August to 7 September 1990. A full report on their visit is contained in document E/CN.4/1991/20/Add.1.

333. The more recently reported cases of disappearance allegedly concerned a woman who was abducted by plainclothed men in a vehicle and taken away to an unknown destination. Another case concerned a staff member of a Filipino human rights organization, who was reportedly arrested without a warrant while on his way to the office by plain clothed members of an intelligence unit of the armed forces and later transferred to and held incommunicado in a military camp north of Manila. Three cases of disappearance concerned a woman and two men, suspected of being members of the NPA, who were allegedly arrested at night by members of the police and officers from the Military Intelligence Group (MIG) of the army and taken to and detained in a MIG camp.

Information received

334. During the period under review, information was received from several non-governmental organizations. One of them expressed concern about the

limited results reportedly achieved by the Philippines Commission on Human Rights (PCHR), created under the Government of President Aquino. No action is said to have been taken to prosecute the perpetrators of disappearances, once identified by witnesses. The Filipino people and human rights organizations are said to have no confidence in the action taken by PCHR. With regard to compensation and rehabilitation, it was reported that in 1993 the Filipino Congress allocated the sum of four million pesos to the Search and Welfare Programme of Families of Victims of Involuntary Disappearances (FIND), a non-governmental human rights organization. So far, however, only some 20 families of missing persons are said to have benefited from this programme. Reportedly, as of January 1994, PCHR retains the bulk of the budget allocation, despite the applications and documentation forwarded by the families. In addition, hardly any prosecution or conviction of the perpetrators of enforced or involuntary disappearances is said to have taken place in 1994, and only in a handful of cases of human rights violations are the courts said to have intervened. No judicial or legal reforms are said to be in sight.

335. During 1994, the Government of the Philippines provided the Working Group with information concerning eight cases. According to the Government, two persons have returned home in good physical condition, following their arrest. With regard to another case, the Government notified the Working Group that the disappeared person had been released and entrusted to the custody of a non-governmental organization taking care of disappeared persons and their families. The Government also stated that one person had been released following a court order. In relation to the case of a journalist, the Government informed the Working Group that it had been consigned to the archives by PCHR on the grounds that the perpetrators of the disappearance could not be ascertained. Finally, for three other persons, the Government informed the Working Group of their place of detention.

336. The Government of the Philippines provided information on the work of PCHR and informed the Working Group that it had signed a memorandum of agreement with FIND, concerning financial assistance and rehabilitation services for the families of the disappeared.

337. The Government also reported that for the fiscal year 1994 it had allocated 5 million pesos for assistance to victims of involuntary disappearances and members of their families.

338. The Government of the Philippines also submitted its reply regarding the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance and reported that it had been made available to the legislative, judicial and administrative authorities of the Philippines with a view to curbing the incidence of disappearances. The Government also adopted legislative, administrative and judicial measures to prevent disappearances and to prosecute those responsible for such cases.

339. The revised Penal Code provides for penalties in cases of delay in the delivery of detained persons varying from several hours to 30 days, which, however, do not apply to crimes against national security, including economic sabotage and arson, or offences against public order. Incommunicado detention is expressly prohibited by the 1987 Constitution, which further

states that no torture, force, violence, threat, intimidation or any other means which violate free will shall be used against any person under investigation for the commission of an offence. Secret detention places and solitary, incommunicado, or other similar forms of detention are prohibited.

340. As far as habeas corpus proceedings are concerned, they are extended under the Supreme Court rules to all cases of illegal confinement or detention. Concerning the question of release from detention, PCHR, the Department of National Defense, the Department of the Interior and Local Governments and the Department of Justice signed a memorandum of agreement on 18 June 1991 regarding procedures to be used for the release from custody of detainees or accused persons.

Rwanda

341. In the aftermath of President Habyarimana's death in a plane crash on 6 April 1994, Rwanda has been torn by an unprecedented human tragedy. Hundreds of thousands of civilians, including large numbers of women and children, have been killed or have disappeared, and hundreds of thousands are displaced within the country or have found refuge in other countries.

342. Because of the chaotic situation in the country during 1994, the Working Group was not seized with any new cases of disappearance, although it believes that there must be many of them.

343. The human rights field officers deployed by the High Commissioner for Human Rights in support of the Special Rapporteur and the Commission of Experts established pursuant to Security Council resolution 935 (1994) have been instructed to receive pertinent information about disappearances and channel such reports to the Working Group. The dimension of the Rwandan tragedy, and the fact that the number of persons who have perished or were forced to leave their places of residence constitute about half of the entire population, will make it difficult to distinguish between those who have been victims of massacres and those who have disappeared. Systematic investigations into the fate of disappeared persons will, for the same reasons, be very problematic. The Working Group will nevertheless attempt to examine every individual case in accordance with its methods of work and will request the new Rwandan Government to conduct the necessary investigations.

344. Five of the eight reported cases of disappearance occurred in 1990 and 1991 in the north of the country, in the context of the ethnic conflict between Tutsis and Hutus. In 1993, three cases took place in northern Rwanda and concerned students from the Seventh Day Adventist University in Mudende, suspected of supporting the Rwandese Popular Front.

Saudi Arabia

345. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Saudi Arabia.

346. The one outstanding case concerns a Saudi Arabian businessman who was allegedly arrested in Amman, Jordan in 1991 by Jordanian security forces, and was later allegedly handed over to the Saudi Arabian authorities. He is believed to be currently held at a secret location in Riyadh.

347. Despite a retransmittal of the case in 1994, at the Government's request, no information has yet been received by the Working Group from the Government of Saudi Arabia which would allow it to report on the fate and whereabouts of the disappeared person.

Seychelles

348. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Seychelles.

349. The three reported cases of disappearance allegedly occurred on the main island of Mahé in the years 1977 and 1984. All three persons were abducted shortly after they left their homes by persons believed to belong to the security forces. At least two of the persons were reportedly known opponents of the Government.

350. During 1994, no new information was received from the Government with regard to these cases. The Working Group is, therefore, still unable to report on the fate or whereabouts of the missing persons.

South Africa

351. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of South Africa. During this period, the Working Group clarified one case which occurred in late 1993 and concerned a young woman, reportedly a member of the African National Congress, who was found dead two weeks after her reported disappearance.

352. The majority of the 11 cases of disappearance reported to the Working Group occurred between 1976 and 1982 in Namibia. Since, at that time, Namibia was under South African jurisdiction, and the responsibility for the disappearance was imputed to agents of that country, in accordance with the Working Group's methods of work, the cases are retained on the South Africa country file.

353. During 1994, the Government of South Africa submitted information to the Working Group on the death of the woman who had disappeared in 1993. The case had, however, already been clarified by the Working Group on the basis of information submitted earlier by the source.

Sri Lanka

354. During 1994, the Working Group transmitted six newly reported cases of disappearance to the Government of Sri Lanka, under the urgent action procedure. The cases reportedly occurred in 1993. The Working Group also transmitted to the Government 942 cases, which were the remainder of its

backlog, and reportedly occurred between 1987 and 1990. During 1994 also, the Working Group clarified five cases and retransmitted to the Government of Sri Lanka three cases, updated with new information from the source.

355. Since the establishment of the Working Group in 1980, 11,441 cases of disappearance alleged to have occurred in Sri Lanka have been reported to the Working Group. The cases occurred within the context of two major sources of conflict in that country: the confrontation of Tamil separatist militants and government forces in the north and north-east of the country and, secondly, the confrontation between the People's Liberation Front (JVP) and government forces in the south. Cases reported to have occurred between 1987 and 1990 took place mostly in the Southern and Central Provinces of the country, during a period in which both security forces and JVP resorted to the use of extreme violence in the contest for state power. In July 1989, the conflict in the south took a particularly violent turn when JVP adopted even more radical tactics, including enforced work stoppages, intimidation and assassination, as well as targeting the family members of the police and army. To thwart the JVP military offensive, the State launched a generalized counter-insurgency campaign and the armed forces and the police appear to have been given wide latitude of action to eliminate the rebel movement and restore law and order in any way they saw fit. By the end of 1989, the armed forces had put down the revolt, having succeeded in capturing and executing the nucleus of the JVP leadership.

356. Cases reported to have occurred since 11 June 1990, the date of resumption of hostilities with the Liberation Tigers of Tamil Ealam (LTTE), have taken place primarily in the Eastern and North-Eastern Provinces of the country. In the north-east, the persons most often reported detained and missing were young Tamil men accused or suspected of belonging to, collaborating with, aiding or sympathizing with LTTE. Tamil persons internally displaced owing to the conflict and staying in informal shelters such as church or school centres were the group particularly at risk of detention and disappearance. The most frequently utilized method of detention in the north-east was the cordon and search operation in which the army, often in conjunction with the police, and particularly the Special Task Force, went into a village or a rural area and detained scores of persons. Many were released within 24 to 48 hours, but a percentage of the persons remained in custody for questioning.

357. Out of concern at the situation of disappearances in Sri Lanka, and at the invitation of the Sri Lanka Government, the Working Group undertook two missions to that country from 7 to 18 October 1991 and from 5 to 15 October 1992. Members of the missions met with government officials, non-governmental organizations, relatives and friends of the disappeared persons. The reports of the Working Group are contained in documents E/CN.4/1992/18/Add.1 and E/CN.4/1993/25/Add.1.

358. The newly reported cases concern the disappearance of five Tamil farmers from the Batticaloa district, following their reported arrest by members of the army from the Mullivedduvan camp. The sixth case concerned a 20-year-old student who was allegedly arrested by members of the army in Colombo.

Information received

359. During the present reporting period, information was received from a number of non-governmental organizations. According to this information, on 3 January 1994, three mass graves were discovered in southern Sri Lanka about 160 km. from Colombo, by a team of opposition politicians. It is reportedly estimated that the graves are 40 feet deep and contain 300 bodies, most of which are believed to be those of the members of the "People's Liberation Front" who were allegedly killed in 1989 in a government counter-insurgency operation. It was alleged that the Chief Minister of the Western Province, lawyers and other persons involved in the investigation, have been subjected to threats.

360. It was further reported that a number of complainants, lawyers and witnesses involved in inquiries about human rights violations allegedly perpetrated by the security forces have been subjected to threats.

361. According to the information received, the mandate of the Presidential Commission of Inquiry into Involuntary Removals was extended for another two-year period, with a view to speeding up the investigations into cases of disappearance. The Commission was initially established on 11 January 1991 to inquire into allegations concerning persons whose whereabouts were unknown, with only those cases which occurred after 11 January 1991 falling within its mandate. It is said, however, that to date no report on the Commission's findings has yet been published.

362. In 1991, subsequent to the international community's reaction to the human rights violations and impunity in Sri Lanka, the Government established, in June of that year, the Independent Commission of Inquiry, initially constituted to inquire into alleged military abuses and killings committed in Kokkadichcholai in the east of the country. Reportedly, military suspects were neither required to give evidence nor were they cross-examined and, consequently, the perpetrators were never convicted or punished. This is said to be an example of the Government setting up an investigative structure of which the outcome has been to no avail.

363. It was further alleged that the unit established by the Government for examining cases of disappearance transmitted by the Working Group will only study cases having occurred between 1983 and 1991.

364. Even though, according to non-governmental organzations, disappearances have reportedly decreased considerably during the past three years, there are still people who were arrested by the army or government security forces and whose whereabouts remain unknown.

365. Serious concern was expressed by several non-governmental organizatons about the failure of the Sri Lanka authorities to undertake thorough investigations into the cases of disappearance and to prosecute those responsible. Reportedly, the majority of cases of disappearance have never been investigated and a climate of impunity is said to prevail among members of the security forces in Sri Lanka.

366. During the reporting period, the Government of Sri Lanka communicated to the Working Group replies on 128 individual cases of disappearance, as well as information of a more general nature. With regard to individual cases, the Government reported that in one case the person was detained at the headquarters of the Criminal Investigation Department in Colombo Fort, where he was being held under a detention order for suspected terrorist activities. The Government confirmed that the person concerned was in safe physical condition. With respect to nine other cases, the Government reported that the operational headquarters of the Ministry of Defence had denied that the persons concerned had been arrested; with regard to two other cases, the Department of the Police had denied that the subjects had been arrested. The Government of Sri Lanka also addressed a communication to the Working Group in order to clarify the name of one person reported as missing. In addition, the Government reported that in one case the person had been murdered and that in another case the person was, in April 1991, in police custody and that the release of a third person had been requested in December 1991. The Working Group requested the Government to provide a death certificate in respect of the murder, and to report on the current situation of the two other persons. Forty-three cases were reported to be under investigation by the Presidential Commission of Inquiry into the Involuntary Removal of Persons. The Presidential Commission considered five cases unsubstantiated. In the majority of the replies, the Government stated that no previous petition concerning the person's disappearance had been filed.

367. The Government, furthermore, submitted the Annual Report of the Human Rights Task Force for the period from 10 August 1993 to 10 August 1994, which concerned the Organization's activities during this period. It reported on investigations undertaken in cases of arrest, torture and other violations which had been reported to it.

Observations

368. The Working Group remains concerned at the large number of past cases in Sri Lanka which have not yet been clarified, as well as at the fact that disappearances continue. Furthermore, according to information received, officials in charge of the investigation of mass graves discovered in various parts of the country have been subjected to threats, as have the relatives and lawyers of disappeared persons. This results in a situation in which investigations will become difficult or, worse still, impossible.

369. However, the Working Group appreciates the cooperation of the Government in, inter alia, having invited the Group on two occasions to visit the country. It wishes to remind the Government of its responsibility under the Declaration to investigate fully all cases of alleged disappearance and to bring the perpetrators to justice. Therefore, the Working Group would welcome information on the actual results of the work of the Presidential Commission of Inquiry into Involuntary Removals.

Sudan

370. During 1994, no new cases of disappearance were reported to the Working Group, notwithstanding the ongoing civil war in southern Sudan.

371. The six reported cases of disappearance submitted to the Working Group have occurred during the period since the current Government came to power in 1989, and have primarily involved former government officials. All but one of the cases reportedly took place in Khartoum.

Information received

372. During 1994, the Working Group received information of a general nature concerning the Sudan, in which it was reported that disappearances continue to occur in the Sudan in the Nuba Mountains. The Government is said to have continued its counter-insurgency campaign and forced relocation of villagers. The elimination of the Nuba leadership through incommunicado detention and disappearance allegedly continues. It is further reported that children are forcibly separated from their families and taken to camps in the north where they receive military training.

373. According to the information received, in southern Sudan, the ongoing civil war has created a situation in which disappearances are all too common. The Sudanese People's Liberation Army (SPLA) is reportedly committing serious crimes, including the detention and summary execution of civilians and combatants. As in the Nuba Mountains, the conscription of minors is said to be a serious problem, with reports of boys as young as eight being separated from their families and placed in camps where they receive military training.

374. There are also numerous allegations that the Government continues to operate "ghosthouses" (i.e. detention centres) in the north. Arrest without warrant and incommunicado detention of opposition leaders, trade unionists and journalists are said to be widespread.

375. In a letter dated 28 September 1994, the Government refuted the above allegations, stating that they were baseless and were provided by sources hostile to the Government.

376. The Government of Sudan also replied with regard to one case, stating that the individual concerned had joined SPLA, the rebel forces in southern Sudan. The Working Group considered that in accordance with its methods of work the information provided by the Government was insufficient to clarify the cases.

377. The Working Group received information from the Government of Sudan on the implementation of the Declaration on the Protection of All Persons from Enforced Disappearance. The reply provides information on provisions of the Criminal Code of 1991 and the Code of Criminal Procedure governing cases of enforced or involuntary disappearance. Although the act of disappearance as such does not seem to be an explicit offence under the Sudanese Criminal Code, there are provisions relating to detention and legal measures taken in cases of unlawful detention.

Syrian Arab Republic

378. During 1994, the Working Group transmitted to the Government of the Syrian Arab Republic, 17 newly reported cases of disappearance, none of which

was reported to have occurred in 1994. During the same period, the Working Group clarified 11 cases in which it was reported that the persons had been released.

379. Of the total 32 cases of disappearance reported to the Working Group, a substantial number allegedly occurred in the early to mid-1980s, mostly in Damascus. Seventeen of these cases have been clarified.

380. Of the 17 newly reported cases, 11 were said to concern relatives and friends of General Salah Jadid, a former senior official of the Bath party who died in custody on 19 August 1993. The missing persons were reportedly arrested by military security forces between 23 and 29 August 1993. These cases were clarified during 1994, on the basis of information submitted by the source in which it was reported that the persons concerned had been released. Of the six other cases, four reportedly occurred in 1983 and two in 1980. Two of the persons concerned were allegedly military men. The arrests reportedly took place in Dar'a, Palmyra and Al-Qariatain.

381. During the period under review, the Government of Syria sent a number of replies on specific cases, including the 11 cases concerning the friends and relatives of General Jadid, in which it reported that they were not detained and were living in their place of residence. In two other cases, the Government reported that the persons concerned had been sentenced to death, in one case the person was sentenced to life imprisonment and was in detention, in one other case the person died in detention, two other persons had gone to Lebanon, and two other cases were not known to the Syrian Government.

Tajikistan

382. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Tajikistan. The Group considered clarified one case which concerned an architect of ethnic Pamiri background, who was allegedly abducted in December 1992 by the Peoples Front, reportedly a paramilitary group, and whose corpse was found in January 1994 in Dushanbe.

383. All of the six cases of disappearance reported to the Working Group were alleged to have occurred between late 1992 and July 1993 in the context of the escalating civil war when pro-government forces took over the capital of Dushanbe.

384. Although a reminder was sent, no information has been received by the Working Group from the Government of Tajikistan. The Working Group, therefore, is unable to report on the fate and whereabouts of the disappeared persons.

Thailand

385. During 1994, no new cases of disappearances were transmitted by the Working Group to the Government of Thailand.

386. The outstanding cases involve two refugees from Myanmar who were allegedly arrested by the authorities on 22 May 1992 in the city of Ranong on

suspicion of being illegal immigrants. Although the relatives were informed by the authorities that they would be able to see the subjects in court on 25 May 1992, neither appeared in court on that date.

Information received

387. The Government of Thailand requested the Working Group to provide it with additional information on these cases. The Working Group duly contacted the source, who responded that it was not possible to provide additional information on these two cases. The Working Group requested the Government to provide it with the names of the citizens of Myanmar detained on 22 May 1992 at the Ranong police station and any further information which the Government might be able to provide regarding the detention of citizens of Myanmar in Ranong on that date.

Togo

388. During 1994, the Working Group transmitted 10 newly reported cases of disappearance to the Government of Togo, eight of which occurred in 1994 and were sent under the urgent action procedure.

389. Six cases concerned persons who were reportedly detained by members of the armed forces at Adetikope as they were on their way to Lomé to visit two relatives of the Secretary General of the Togolese Drivers' Trade Union, who had reportedly been injured in a car accident. Another case concerned a civil servant who was reportedly the adviser to the President of the High Council of the Republic between 1991 and 1993 and who is said to have been abducted from his car in the Lomé suburb of Aguényivé and taken to an unknown destination by three men in a minibus, followed by a military vehicle.

390. The other cases concerned a man arrested by the police and taken to the Central Commissariat in Lomé from where he disappeared a few days later, a farmer abducted at his home by armed men and taken away to an unknown destination and a businessman abducted from his home by five men in military fatigues.

Information received

391. According to information received from non-governmental organizations, disappearances in Togo should be seen in relation to the further deterioration of the human rights situation in the country. Since the beginning of the year, uncontrolled violence has reportedly prevailed, punctuated by acts of vandalism and robbery, rape and other forms of physical assault, including murder. Most of the time, these acts are said to be perpetrated by unidentified armed men or members of the Togolese armed forces.

392. The impunity enjoyed by the armed forces in Togo is said to continue. Mainly composed of men from regions located in the north of Togo and, in particular, from the native area of President Eyadéma, the Togolese armed forces are reportedly placed under his direct control or that of his

relatives. They are said to be increasingly involved in the repression of non-violent manifestations by various sectors of society, and to focus on the protection and defence of the President and his political system.

393. During the period under review, no information has been received by the Working Group from the Government of Togo with regard to the above cases. The Working Group, therefore, is unable to report on the fate and whereabouts of the disappeared persons.

Turkey

394. During 1994, the Working Group transmitted 72 newly reported cases of disappearance to the Government of Turkey, of which 55 were reported to have occurred in 1994. Seventeen of the cases were alleged to have taken place at the end of 1993. All except 14 of the newly reported cases were transmitted under the urgent action procedure. During the same period, the Working Group clarified 33 cases and retransmitted to the Government 12 cases, updated with new information from the source.

395. Of the total number of 116 reported cases of disappearance transmitted to the Government by the Working Group since 1990, the highest number of cases, almost half, occurred in 1994; this may be compared with the 14 cases transmitted last year and the 26 transmitted in 1992. Most of the cases of disappearance occurred in the south-eastern regions of Turkey, reportedly in the context of clashes between the Kurdish Workers' Party (PKK) guerrilla movement and government security forces. These persons, reportedly of Kurdish ethnic origin, were arrested by security forces on charges of belonging to the PKK organization. Some of the disappearances allegedly occurred during raids conducted by gendarmes accompanied, at times, by village guards, a civil defence corps reportedly armed and paid by the Government to fight the PKK guerrillas. In some cases, the persons were members of political opposition parties or journalists of newspapers opposed to the Government.

396. The majority of the cases of disappearance reported in 1994 are alleged to have occurred in the south-eastern provinces of Turkey, especially in rural zones, and to have followed a very similar pattern. Individuals are generally arrested by security forces from the gendarmerie and taken to the police station. When the person's family members inquire as to the whereabouts of the missing person, the police and the gendarmerie reportedly deny that the person is being held. In some of the reported cases there have also been allegations of ill-treatment and torture, including of women, children and the elderly. In one case, a 70-year-old man and his 13-year-old daughter were reportedly arrested at their home by plainclothes police officers. The man, who was later released together with his daughter, had allegedly been severely tortured. In another case, five members of one family, including children, were arrested by policemen attached to the anti-terrorist branch during a raid on the family's home. During the incident, their 11-year-old son was killed. This case was subsequently transmitted to the Special Rapporteur on extrajudicial, summary or arbitrary executions. The five members of the family were later reported by the Government to have been released. In another case, a person was arrested by the Lice gendarmerie while travelling from Diyarbakir to Yildiz. Although his mother

reportedly saw him in the gendarmerie yard and received a message from her son through a fellow detainee, the Lice gendarmerie has allegedly denied holding him.

Information received

397. In addition to the individual cases of disappearance, the Working Group also received information of a general nature from several non-governmental organizations, according to which human rights activists monitoring the human rights situation in Turkey are being harassed, detained, tortured, imprisoned and threatened and have disappeared.

398. It is also reported that a state of emergency is in force in the south-eastern provinces of Turkey and that in those regions the police and gendarmerie have the right to detain persons suspected of political offences in incommunicado detention for up to one month. Such persons, who are to be tried in State security courts, may reportedly be held without charge for a period of 15 days, which can allegedly be extended to 30 days in provinces under emergency legislation, such as Diyarbakir.

399. In addition, it is alleged that the detainees are denied access to their lawyer, family, friends or doctor. Reportedly, procedures laid down in the Turkish Criminal Procedure Code for the prompt and proper registration of detainees and for notification of their families are disregarded in the south-eastern provinces of Turkey. Furthermore, the lack of proper registration and notification is said to facilitate the disappearance of detainees.

400. It is also alleged that military operations against villages in this region, which reportedly intensified in early 1994, have led to many allegations of disappearance.

401. During 1994, the Government of Turkey provided the Working Group with information concerning 38 cases. According to the Government, 28 persons had been released. With regard to six other cases, the Government denied the arrest of the persons concerned. In one other case, the Government notified the Working Group that the disappeared person had been brought before the court, accused of membership and participation in the PKK organization. With respect to two other cases, the Government recognized the persons' detention. In one other case, which reportedly concerned a member of the PKK organization, the Government informed the Working Group that the subject had escaped while being taken to the site where he had alleged the PKK kept their weapons.

Observations

402. The highest number of alleged cases of disappearance reported to have occurred in 1994 was in Turkey. The Working Group expresses particular concern at this considerable increase in 1994.

403. While the Group welcomes the cooperation of the Government with regard to investigating cases, it wishes, nevertheless, to remind it of its responsibility under the Declaration to take effective legislative,

administrative, judicial or other measures to prevent and terminate disappearances. In particular, all acts of enforced disappearance should be made offences under criminal law, punishable by appropriate penalties, and efficient steps should be taken to bring perpetrators to justice. In addition, the Government should respect and ensure all guarantees for the protection of the personal liberty and integrity of detainees.

Uganda

404. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Uganda.

405. All of the 20 reported cases of disappearance occurred between 1981 and 1985, i.e. before the present Government took office. The reported arrests or abductions occurred throughout the country and in one case the person was allegedly abducted while in exile in Kenya and taken to Kampala. One case concerned the 18-year-old daughter of an opposition member of the Ugandan Parliament. The arrests are said to have been made by either policemen, soldiers or officials of the National Security Agency.

Information received

406. During 1994, the Government of Uganda requested an explanation concerning nine cases on which it had previously provided information. The Working Group communicated to it that the information provided had been considered insufficient to clarify the cases in question. No further information was received with regard to the outstanding cases. The Working Group, therefore, is unable to report on the fate and whereabouts of the disappeared persons.

Uruguay

407. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Uruguay.

408. The majority of the 39 cases of disappearance reported to the Working Group occurred between the years 1975 and 1978 under the military Government, in the context of its fight against alleged subversion. It should be noted that the Working Group has received no reports of disappearance in Uruguay after 1982.

409. During 1994, no new information was received from the Government of Uruguay with regard to the outstanding cases. The Working Group, therefore, is unable to report on the fate and whereabouts of the disappeared persons.

Uzbekistan

410. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Uzbekistan.

411. The one outstanding case of disappearance concerns the leader of the Islamic Renaissance Party, reportedly an unregistered political party, who was allegedly arrested in 1992 by men believed to be government agents.

412. Uzbekistan declared its independence on 31 August 1991 and in December 1992 adopted its first democratic Constitution. However, since mid-1992, opponents of the Government have reportedly been detained or prosecuted.

Information received

413. During the period under review, the Government of Uzbekistan replied to the Working Group's letter dated 10 August 1993 concerning the question of impunity. It stated that the introduction of the habeas corpus procedure in Part Two of the 1992 Constitution had made it possible to prevent the recurrence of illegal detention. With respect to a speedy and easily accessible procedure for application to the courts in cases of death or disappearance, the Government stated that in Uzbekistan a preliminary investigation to establish all the circumstances of the cases must be carried out before a court hearing could be held. The Government further stated that, under Uzbekistan's current legislation, all cases in which the defendants were members of the armed forces were heard by the military courts. "It is not felt that any exception should be made for such categories as disappearances".

414. In 1994, no new information was received from the Government of Uzbekistan with regard to the one outstanding case. The Working Group, therefore, is unable to report on the fate and whereabouts of the disappeared person.

Venezuela

415. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Venezuela. During this period, the Working Group clarified one case, in which the person was reportedly found alive.

416. Of the eight cases reported to the Working Group, half of them have been clarified. Three of the four outstanding cases occurred in December 1991 and concern student leaders who had reportedly been intercepted by security forces during a commercial fishing expedition. The fourth case concerned a businessman arrested in February 1991 in Valencia City, Carabobo, by the police.

417. In 1994, no new information was received from the Government with regard to these cases. The Working Group, therefore, is unable to report on the fate and whereabouts of the disappeared persons.

Yemen

418. During 1994, the Working Group transmitted, for the first time, 98 cases of disappearance to the Government of Yemen, one of them under the urgent action procedure.

419. Seventy-three of the cases reportedly occurred between January and April 1986 in the context of the fighting which took place during this time between supporters of President Ali Nasser Muhammad and his opponents. The

President subsequently fled the country and his opponents took power. In the aftermath of the fighting, several suspected supporters of the former President were reportedly arrested and subsequently disappeared. The persons concerned are said to have been arrested either during the fighting on 13 January 1986 or in the period thereafter, between January and April 1986. The majority of the victims were members of the air force, the army or the security forces, but there were also several civilians. Most of them were members of the Yemen Socialist Party. The forces said to be responsible for their arrest include the State security forces, the air force and the people's militia.

420. The one case transmitted under the urgent action procedure reportedly occurred in August 1994 in Ta'iz and concerned the President of the Engineers' Union who was also said to be a member of the Central Committee of the Yemen Socialist Party.

421. To date, no response has been received from the Government of Yemen with respect to these cases. The Working Group, therefore, is unable to report on the fate and whereabouts of the disappeared persons.

Zaire

422. During 1994, the Working Group transmitted to the Government of Zaire four newly reported cases of disappearance, which occurred in March of this year.

423. The majority of the 23 reported cases of disappearance occurred between 1975 and 1985 and concerned persons suspected of being members of a guerrilla group known as the "Parti de la révolution populaire" or of being political activists. A more recent case occurred in 1993, when a journalist was allegedly abducted from his home by members of the "Division spéciale présidentielle" and the civil guard, and interrogated on the premises of the State radio station, "Voix du Zaïre". His whereabouts remain unknown.

424. The newly reported cases of disappearance concern four men allegedly arrested at night in Likasi by soldiers and detained for almost two months before being transferred to Kinshasa. Since then their whereabouts have remained unknown.

Information received

425. During the period under review, information was received from non-governmental organizations alleging the serious deterioration of the human rights situation in Zaire.

426. They reported that the phenomenon of disappearances cannot be isolated from other human rights violations which have occurred in the context of the political, economic and social collapse of the country. Despite the country's attempt at democratization in 1990, with the convening of a national conference and the recognition of some political parties, as well as the renewed commitment expressed by the new Government appointed on 11 July 1994 to bring an end to the state of insecurity prevailing in the country, human rights violations have persisted.

427. Disappearances, the arbitrary arrest of local political leaders who allegedly criticized the monetary reform introduced by the Zairian Government at the end of 1993, especially in the North and South Kivu regions, attacks against opponents of President Mobutu, and even summary executions perpetrated against church leaders and other civilians, have reportedly continued.

428. At the time of the adoption of the present report, no information had been received by the Working Group from the Government of Zaire with regard to the above cases. The Group is, therefore, unable to report on the fate or whereabouts of the missing persons.

Zimbabwe

429. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Zimbabwe.

430. The one outstanding case occurred in 1985 in the context of the armed conflict between government forces and political opponents in Matabeleland. It concerned a member of the Zapu political party who was reportedly arrested by four men (two of them in police uniform) while attending a church service and taken away in a police vehicle.

431. During 1994, no information was received from the Government with respect to this case. The Working Group is, therefore, still unable to report on the fate or whereabouts of the disappeared person.

III. COUNTRIES IN WHICH ALL REPORTED CASES OF DISAPPEARANCE HAVE BEEN CLARIFIED

Bulgaria

432. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Bulgaria. During this period, the Working Group clarified the three outstanding cases, which had reportedly occurred in 1988. The cases were submitted by relatives of the victims and concerned persons of ethnic Turkish origin who allegedly refused to change their names to "become Bulgarian". On 25 April 1994, the Government of Bulgaria informed the Working Group that the persons concerned had been convicted by the High Court of Justice and sentenced to death on 25 April 1988. On 8 August 1988, the State Council of the People's Republic of Bulgaria had rejected the appeal and the three individuals had been executed on 6 September 1988.

Nigeria

433. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Nigeria. During the same period, on the basis of information previously provided by the Government on which no observations had been received from the source within a period of six months, the Working Group clarified the three outstanding cases, which concerned persons who had reportedly been arrested by the Nigerian police after what was termed in Nigeria "the May 1992 riots", against the Government's structural adjustment measures. The Working Group was informed that the persons concerned had been released.

Romania

434. During 1994, no new cases of disappearance were transmitted by the Working Group to the Government of Romania. The Working Group clarified the one outstanding case, which reportedly occurred in 1990. The case concerned a 15-year-old schoolboy who allegedly disappeared in June 1990 in Bucharest. During the reporting period, the Government informed the Working Group that the boy had been found on 29 June 1994 by the police of Caransebes. Reportedly, he had voluntarily left his home because he was afraid of being punished by his parents for his poor academic grades. He left Bucharest to go to Tulcea where he worked, under a false identity, for a private entrepreneur and a shepherd. He then went to Caransebes, looking for a better paying job. The Government reported that he is now back with his family. The source confirmed this information and the Working Group considered the case clarified.

IV. CONCLUSIONS AND RECOMMENDATIONS

435. The phenomenon of enforced or involuntary disappearances continues to be a major problem affecting many parts of the world. What makes the problem of even greater concern today is the fact that the phenomenon is now prevalent in an increasing number of countries, spreading to areas which not long ago could claim to be immune from it. The Working Group's lists for 1994 reveal that there have been as many as 73 affected countries, almost double the number the Working Group had to deal with only five years ago.

436. The total figures for disappearances worldwide is certainly far bigger than is known at present.

437. The Working Group would therefore like to take this opportunity to emphasize, once again, that the Commission for Human Rights should remain alert to the problem and take whatever steps are deemed necessary, particularly preventive measures, in order to stem the spread of this very grave crime.

438. It should be mentioned that the problem of disappearances tends to arise under certain given circumstances. Whenever the political situation becomes so unstable as to result in internal conflict, many Governments resort to the technique of disappearance as a means of bringing the situation under control. Far from doing so, it leads to an inevitable reaction and therefore to more oppression and more disappearances.

439. The Working Group is of the opinion that the Commission should exercise its best efforts to ensure that all members of the international community abstain completely from making use of disappearances as an instrument for dealing with any form of internal disturbance or opposition.

440. It should be noted that recently, and particularly during the year under review, the level of cooperation extended by Governments to the Working Group has been quite satisfactory. One or two Governments which in the past declined to extend such cooperation, for example Angola and Morocco, have now opened a fresh page in their dealings with the Working Group. However, there still remains a group of countries from which the Working Group has heard nothing, in spite of its persistent letters to them, as well as other forms of contact.

441. That Governments are increasingly setting up mechanisms to seek clarification of reported cases of disappearance within their territories is a development which, prima facie, demonstrates their intention genuinely to grapple with this unfortunate situation and, it is hoped, end it completely. The experience of the Working Group indicates that, in such cases, the investigations, enjoying the wholehearted support of the Governments concerned, attain more and more productive results. For its part, the Working Group commends these efforts and recommends that the Commission encourage their increase in all regions of the world.

442. On the other hand, the true objective of the Working Group, which is to achieve a clarification of each case of disappearance, is not being achieved with sufficient speed. This is because, generally speaking, the Governments

involved tend to undertake their part of the process with a slowness which, in the opinion of the Working Group, is undesirable. They should consider it unacceptable that some of their own citizens should be subjected to untold pain and pressure - made all the more intolerable when news about the fate of the disappeared is not forthcoming to their families. In addition, all Governments should make a special point of employing whatever time, effort and resources it takes, using all available legal and other means, to achieve speedy and truthful clarification of such cases.

443. The adoption of the Declaration on the Protection of All Persons from Enforced Disappearance on 18 December 1992 was a milestone in the united efforts to combat the practice of disappearance. It reflects many proposals and recommendations which the Working Group had adopted over the years and constitutes an important basis for the further work of the Working Group. In addition to its traditional task of assisting families to trace their disappeared relatives, the Working Group considers it its task to make the Declaration better known and to monitor States' compliance with its provisions.

444. Governments seem, however, not to be fully aware of their responsibilities under the Declaration. Only exceptionally have efforts been undertaken to incorporate the act of enforced disappearance as an offence with appropriate penalties in domestic criminal codes. The same is true of the right to a prompt and effective judicial remedy as a means of determining the whereabouts or state of health of persons deprived of their liberty, the right to have complaints concerning alleged disappearances investigated promptly, thoroughly and impartially by an independent State authority, and similar provisions aimed at preventing, terminating and investigating enforced disappearances. The Working Group, therefore, recommends that the Commission call upon all States to implement fully the provisions of the Declaration and that it establish an effective international procedure to monitor States' compliance with the provisions of the Declaration.

445. It is self-evident that the Working Group cannot ensure the full and successful implementation of its mandate without the dedicated cooperation of the many non-governmental human rights organizations which collaborate so closely with it. Special mention should be made of their abiding concern for all aspects of the problem of disappearances. They have contributed immensely, and the Group believes that they will continue to contribute, to the understanding and the resolution of this problem. Their assistance in elucidating issues such as "impunity" and their effective contribution to the achievement of the aims of the Declaration, are two examples of their dedicated efforts.

446. The usefulness of non-governmental organizations to the international community in realizing its objectives cannot be over-emphasized. The spread of such non-governmental organizations or the establishment of new ones even in parts of the world where they were hardly talked about in the recent past, attests to their indispensability in the overall scheme of international action.

447. The Working Group wishes to express its sincere appreciation to these bodies and encourages them to continue to pursue their roles as faithfully as possible. It also calls upon Governments to recognize their real worth, to refrain from subjecting them to harassment and reprisals, and to make it possible for them to realize their legitimate objectives from which, in the final analysis, everyone stands to gain.

448. This chapter cannot be closed without yet another reference to the secretariat, which has serviced the Working Group so well since its establishment 14 years ago. But the Working Group's gratitude remains incomplete, if not defective, unless it ensures that difficulties encountered by the secretariat are expeditiously addressed so that it can be spared some of the stress under which it is forced to exercise its functions.

449. For the past nine years, the Group has persistently called on the Commission to authorize the allocation of additional resources which would place the secretariat in the position of responding to the overwhelming responsibilities it has to face. And nothing happens.

450. It has been sufficiently demonstrated that the phenomenon of disappearances is on the increase and is spreading from one part of the world to another. The Working Group would have failed the international community and the cause it was established to serve if it had omitted to bring this pressing problem to the urgent attention of the only body which can solve it. It is sincerely hoped, in fact expected, that the Commission will now take the corrective measures which have been left in suspense for so long.

V. ADOPTION OF THE REPORT

451. At the last meeting of its forty-fourth session, on 9 December 1994, the present report was adopted by the members of the Working Group on Enforced or Involuntary Disappearances:

Ivan Tosevski Chairman/Rapporteur	(Former Yugoslav Republic of Macedonia)
Agha Hilaly	(Pakistan)
Jonas K.D. Foli	(Ghana)
Diego Garcia-Sayan	(Peru)
Manfred Nowak	(Austria)

Annex I

QUESTIONNAIRE ON THE IMPLEMENTATION OF THE DECLARATION ON THE PROTECTION OF ALL PERSONS FROM ENFORCED DISAPPEARANCE

1. To what extent has your Government made a copy of the Declaration available to the legislative, judicial and administrative authorities in your country as well as to the public at large?

2. What specific legislative, administrative, judicial or other measures have been taken by your Government in implementing the Declaration, in particular in the area of prevention and prosecution of those responsible?

3. What is the time frame within which persons deprived of their liberty must be brought before judicial authority?

4. What is the maximum period a person can be held in incommunicado detention?

5. Does a detained person, or his or her counsel, have the right to institute proceedings, at any time, before a judicial or other authority to challenge the lawfulness of his or her detention?

6. Is information on the detention of persons and their places of detention, including transfers, made promptly available to their family members and counsel and other legitimately interested persons? Does the detainee have the right to notify his or her family of his or her arrest, detention or transfer?

7. Does your Government maintain an official up-to-date register of all persons deprived of their liberty in every place of detention? Does the State maintain similar centralized registers? To whom are these registers made available?

8. When a person is released from detention, what safeguards are provided by your Government to ensure that his release can be verified and that his or her physical integrity has been respected?

9. What are the provisions in your national legislation which indicate which officials are authorized to order deprivation of liberty and under what conditions can such orders be given?

Annex II

DECISIONS ON INDIVIDUAL CASES TAKEN BY THE WORKING GROUP DURING 1994

DECISIONS ON INDIVIDUAL CASES TAKEN BY THE WORKING GROUP DURING 1994

Countries	Cases which allegedly occurred in 1994	Cases transmitted to the Government during 1994		Clarifications by:		Six-month rule
		Urgent actions	Normal actions	Government	Non-governmental sources	
(1)	(2)	(3)	(4)	(5)	(6)	(7)
Afghanistan	-	-	-	-	-	-
Algeria	1	1	-	-	-	-
Angola	-	-	-	-	-	-
Argentina	-	-	-	-	-	-
Bolivia	-	-	-	-	-	-
Brazil	-	-	-	2	-	-
Bulgaria	-	-	-	3	-	-
Burkina Faso	-	-	-	-	-	-
Burundi	9	9	-	-	-	-
Cameroon	-	-	-	-	-	-
Chad	-	-	-	-	-	-
Chile	-	-	-	5	11	22
China	6	4	2	8	1	-
Colombia	19	19	2	2	6	1
Dominican Republic	1	1	-	-	-	-
Ecuador	-	-	-	-	-	-
Egypt	-	1	-	-	-	-

(1)	(2)	(3)	(4)	(5)	(6)	(7)
El Salvador	-	-	-	-	-	-
Equatorial Guinea	-	-	-	-	-	-
Ethiopia	47	3	68	-	-	-
Guatemala	6	6	-	1	-	-
Guinea	-	-	-	-	-	-
Greece	-	-	-	-	-	-
Haiti	8	8	-	-	-	-
Honduras	2	2	1	-	-	-
India	6	6	5	5	-	-
Indonesia	-	-	4	5	-	2
Iran (Islamic Republic of)	-	1	1	-	-	-
Iraq	-	-	5 335	-	-	-
Israel	-	-	1	-	-	-
Kazakhstan	2	2	-	-	-	-
Kuwait	-	-	-	-	-	-
Lao People's Democratic Republic	-	-	1	-	-	-
Lebanon	-	-	1	-	-	-
Libyan Arab Jamahiriya	-	-	1	-	-	-
Mauritania	-	-	-	-	-	-
Mexico	35	35	-	-	3	15
Morocco	-	-	-	-	-	2

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Mozambique	-	-	-	-	-	-
Myanmar	-	-	-	-	-	-
Nepal	-	-	-	-	-	-
Nicaragua	-	-	-	-	-	-
Nigeria	-	-	-	3	-	-
Pakistan	1	1	4	1	-	-
Paraguay	-	-	-	-	-	-
Peru	3	2	27	15	1	1
Philippines	5	5	-	-	5	2
Romania	-	-	-	1	-	-
Rwanda	-	-	-	-	-	-
Saudi Arabia	-	-	-	-	-	-
Seychelles	-	-	-	-	-	-
South Africa	-	-	-	-	1	-
Sri Lanka	1	5	3 536	2	3	3
Sudan	-	-	-	-	-	-
Syria	-	-	17	-	11	-
Tadzhikistan	-	-	-	-	1	-
Thailand	-	-	-	-	-	-
Togo	10	8	2	-	-	-
Turkey	55	58	14	9	25	8
Uganda	-	-	-	-	-	-
Uruguay	-	-	-	-	-	-

(1)	(2)	(3)	(4)	(5)	(6)	(7)
Uzbekistan	-	-	-	-	-	-
Venezuela	-	-	-	1	-	-
Yemen	1	1	97	-	1	-
Zaire	4	-	4	-	-	-
Zimbabwe	-	-	-	-	-	-

Annex III

STATISTICAL SUMMARY

Cases of enforced or involuntary disappearances reported to the Working Group between 1980 and 1994

These statistics do not include cases of disappearance received by the Working Group after the adoption of its annual report on 9 December 1994

STATISTICAL SUMMARY

Cases of involuntary disappearances reported to the Working Group between 1980 and 1994

Countries	Cases transmitted to the Government				Clarifications by		Status of person at date of clarification		
	Total		Outstanding		Government	Non-governmental sources	At liberty	In detention	Dead
	Nos. of cases	Female	Nos. of cases	Female					
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Afghanistan	2	-	2	-	-	-	-	-	-
Algeria	1	-	1	-	-	-	-	-	-
Angola	7	1	7	1	-	-	-	-	-
Argentina	3 462	771	3 385	750	43	34	49	-	28
Bolivia	48	5	28	2	19	1	19		1
Brazil	54	3	48	3	5	1	1	2	3
Bulgaria	3	-	0	-	3	-	-	-	3
Burkina Faso	3	-	3	-	-	-	-	-	-
Burundi	31	-	31	-	-	-	-	-	-
Cameroon	6	-	6	-	-	-	-	-	-
Chad	6	-	5	-	1	-	-	-	1
Chile	912	68	889	68	6	17	2	-	21
China	53	4	29	1	20	4	15	8	1
Colombia	916	79	713	61	152	51	126	18	59
Dominican Republic	4	-	2	-	2	-	2	-	-
Ecuador	17	1	6	0	9	2	3	4	4
Egypt	8	-	6	-	2	-	-	2	-
El Salvador	2 638	323	2 259	262	318	61	190	175	14
Equatorial Guinea	3	-	3	-	-	-	-	-	-

(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Ethiopia	101	2	101	2	-	-	-	-	-
Guatemala	3 144	395	3 011	377	57	76	81	5	47
Guinea	28	-	28	-	-	7	-	-	7
Greece	2	-	2	-	-	-	-	-	-
Haiti	48	1	38	-	9	1	5	4	1
Honduras	196	34	129	21	30	37	48	13	6
India	224	5	201	4	24	4	6	5	17
Indonesia	418	31	370	28	36	12	38	8	2
Iran, Islamic Republic of	508	121	507	121	-	1	-	1	-
Iraq	15 905	2 291	15 751	2 274	107	17	100	3	21
Israel	2	-	2	-	-	-	-	-	-
Kazakhstan	2	-	2	-	-	-	-	-	-
Kuwait	1	-	1	-	-	-	-	-	-
Lao People's Democratic Republic	1	-	1	-	-	-	-	-	-
Lebanon	249	13	244	13	-	5	5	-	-
Libyan Arab Jamahiraya	1	-	1	-	-	-	-	-	-
Mauritania	1	-	1	-	-				
Mexico	291	20	240	18	47	4	9	1	41
Morocco	231	28	205	26	-	26	22	-	12
Mozambique	1	-	1	-	-	-	-	-	-
Myanmar	2	-	0	-	2	-	1	1	-
Nepal	6	-	5	-	-	1	1	-	-
Nicaragua	232	4	101	2	112	19	45	11	75
Nigeria	3	-	0	-	3	-	3	-	-
Pakistan	21	-	20	-	1	-	1	-	-
Paraguay	23	1	3	-	20	-	19	-	1

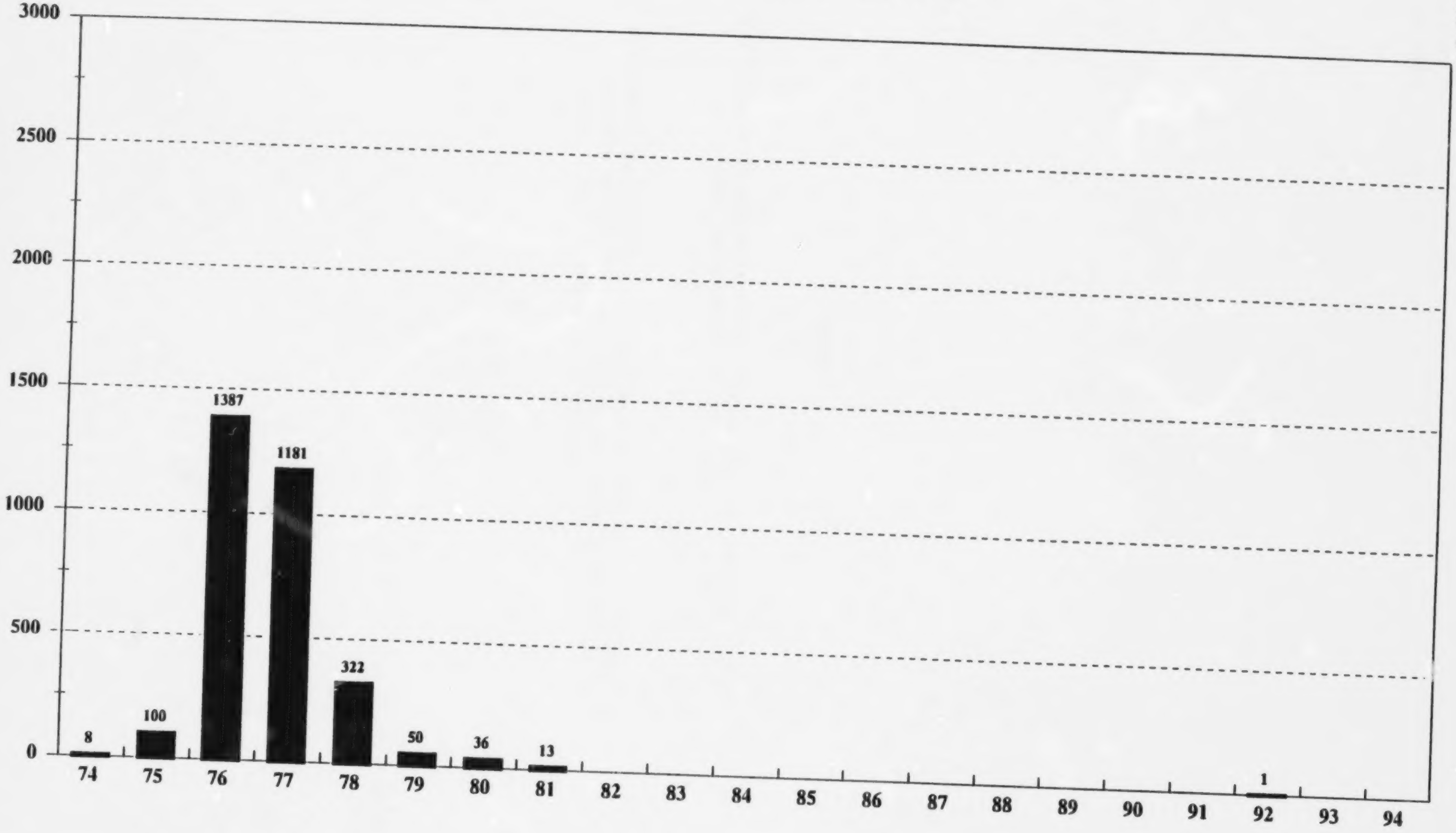
(1)	(2)	(3)	(4)	(5)	(6)	(7)	(8)	(9)	(10)
Peru	2 876	305	2 253	231	244	379	439	84	100
Philippines	647	81	510	61	106	31	99	15	23
Romania	1	-	0	-	1	-	1	-	-
Rwanda	8	-	8	-	-	-	-	-	-
Saudi Arabia	1	-	1	-	-	-	-	-	-
Seychelles	3	-	3	-	-	-	-	-	-
South Africa	11	-	7	-	2	2	1	1	2
Sri Lanka	11 441	126	11 381	124	27	34	29	16	16
Sudan	6	-	4	-	-	2	2	-	-
Syria	32	3	15	3	5	12	14	3	-
Tadzhikistan	6	-	5	-	-	1	-	-	1
Thailand	2	-	2	-	-	-	-	-	-
Togo	10	2	10	2	-	-	-	-	-
Turkey	116	10	76	4	11	29	28	7	5
Uganda	20	4	13	2	2	5	1	5	1
Uruguay	39	7	31	4	1	7	4	4	-
Uzbekistan	1	-	1	-	-	-	-	-	-
Venezuela	8	1	4	-	4	-	1	-	3
Yemen	98	-	97	-	-	1	1	-	-
Zaire	23	1	17	1	6	-	6	-	-
Zimbabwe	1	-	1	-	-	-	-	-	-

Annex IV

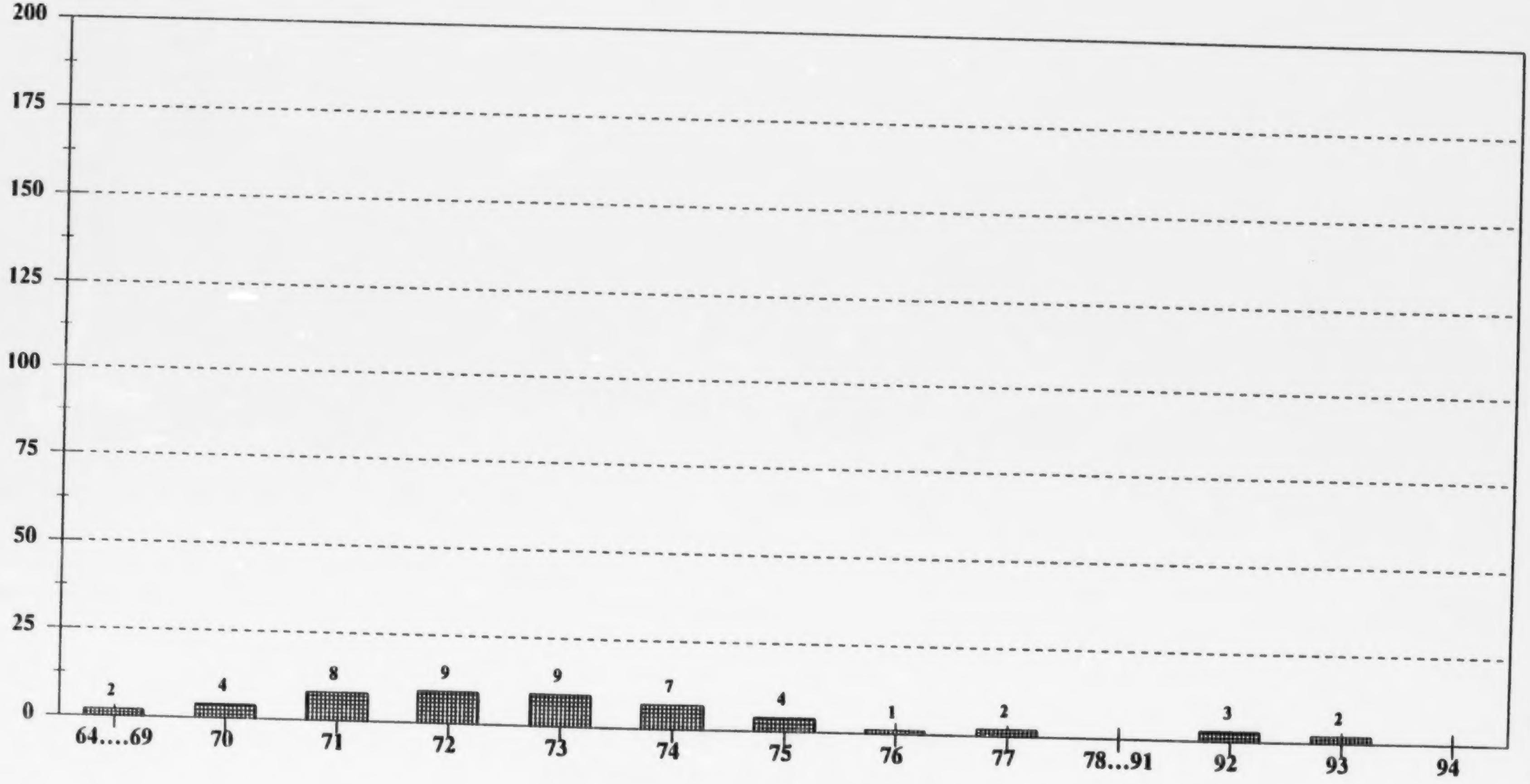
GRAPHS SHOWING THE DEVELOPMENT OF DISAPPEARANCES IN COUNTRIES WITH MORE THAN 50 TRANSMITTED CASES

These graphs do not include cases of disappearance received by the Working Group after the adoption of the present report on 9 December 1994

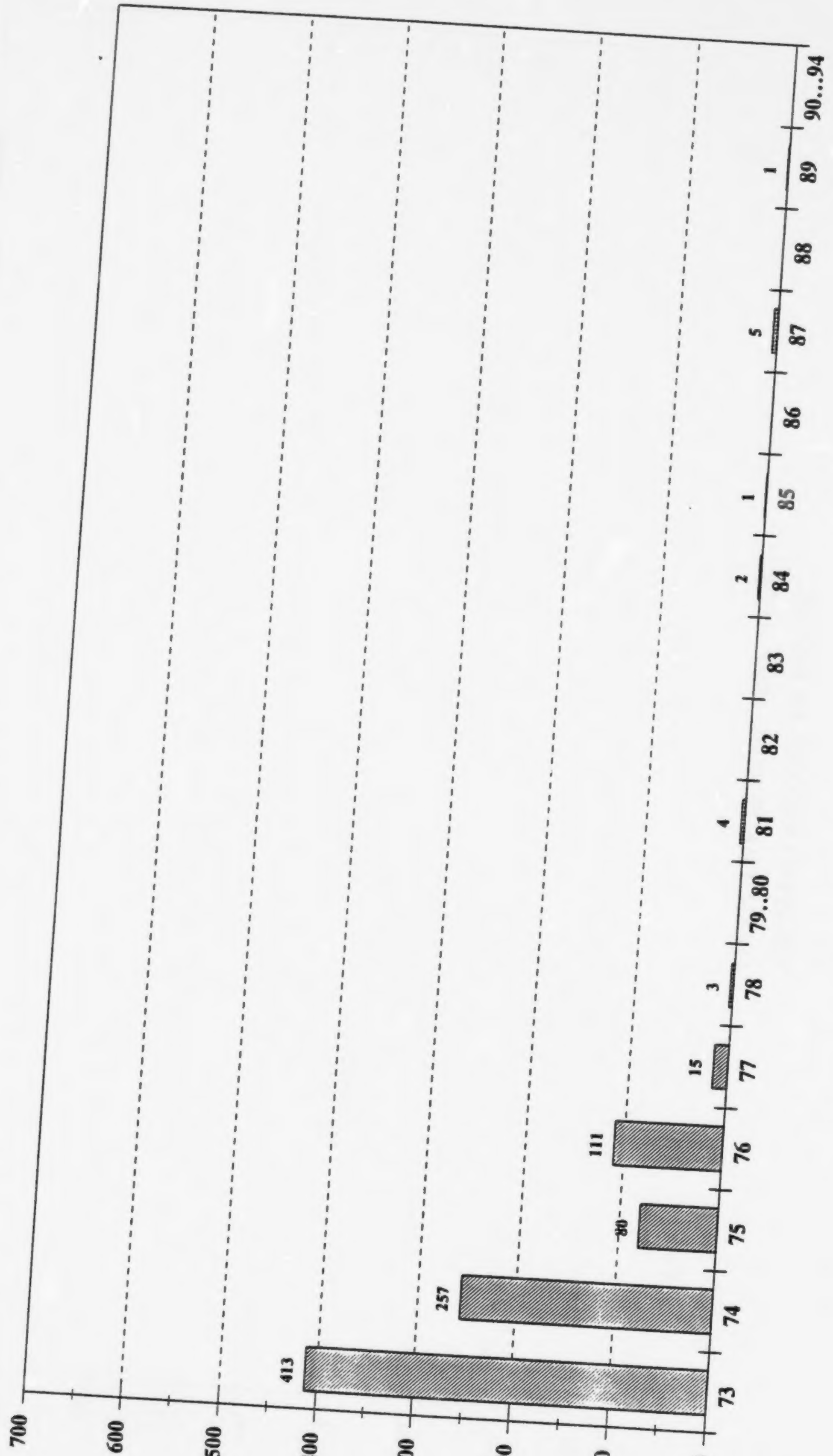
DISAPPEARANCES IN ARGENTINA
OVER THE PERIOD 1974-1994



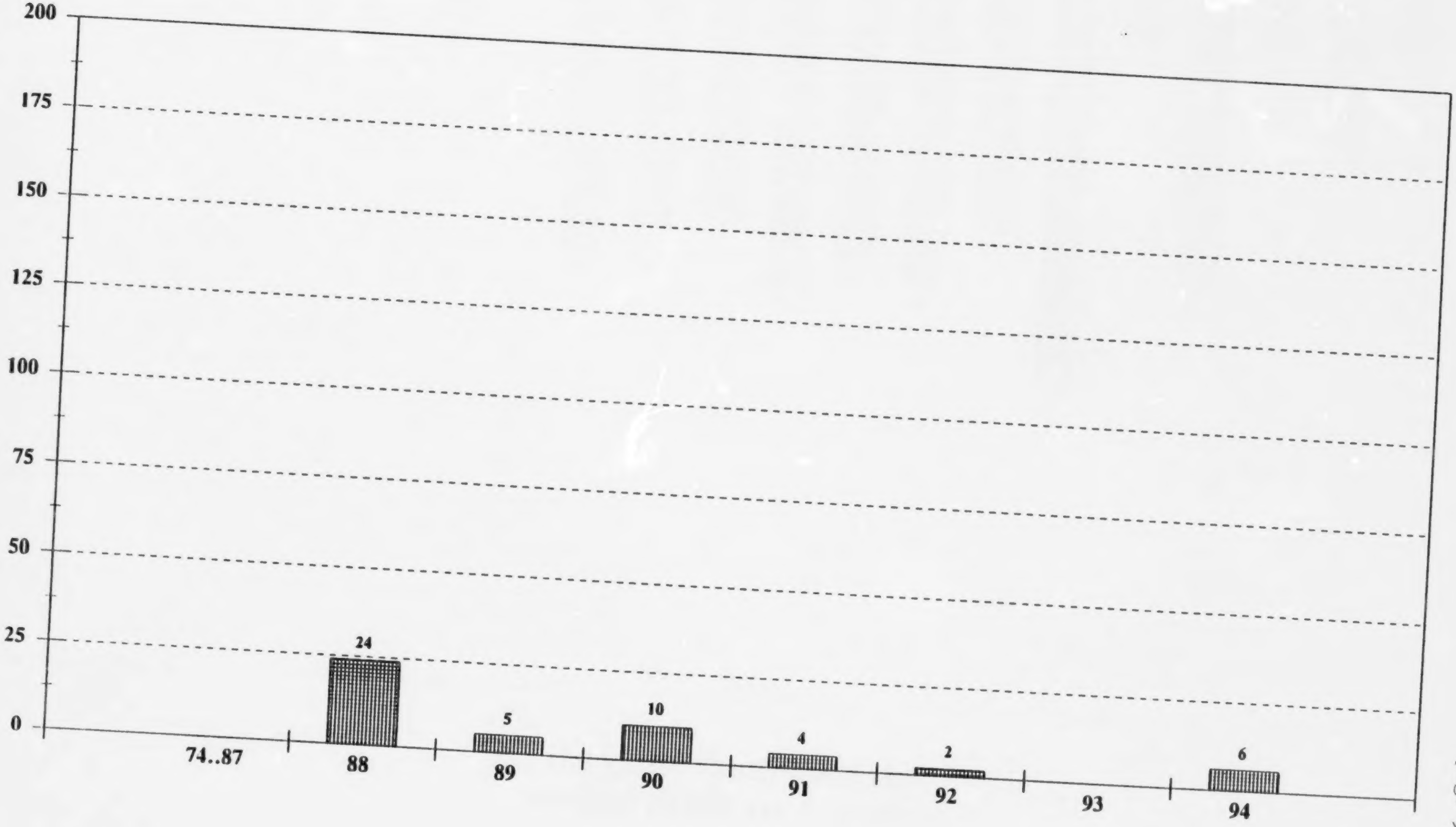
DISAPPEARANCES IN BRAZIL
OVER THE PERIOD 1964 - 1994



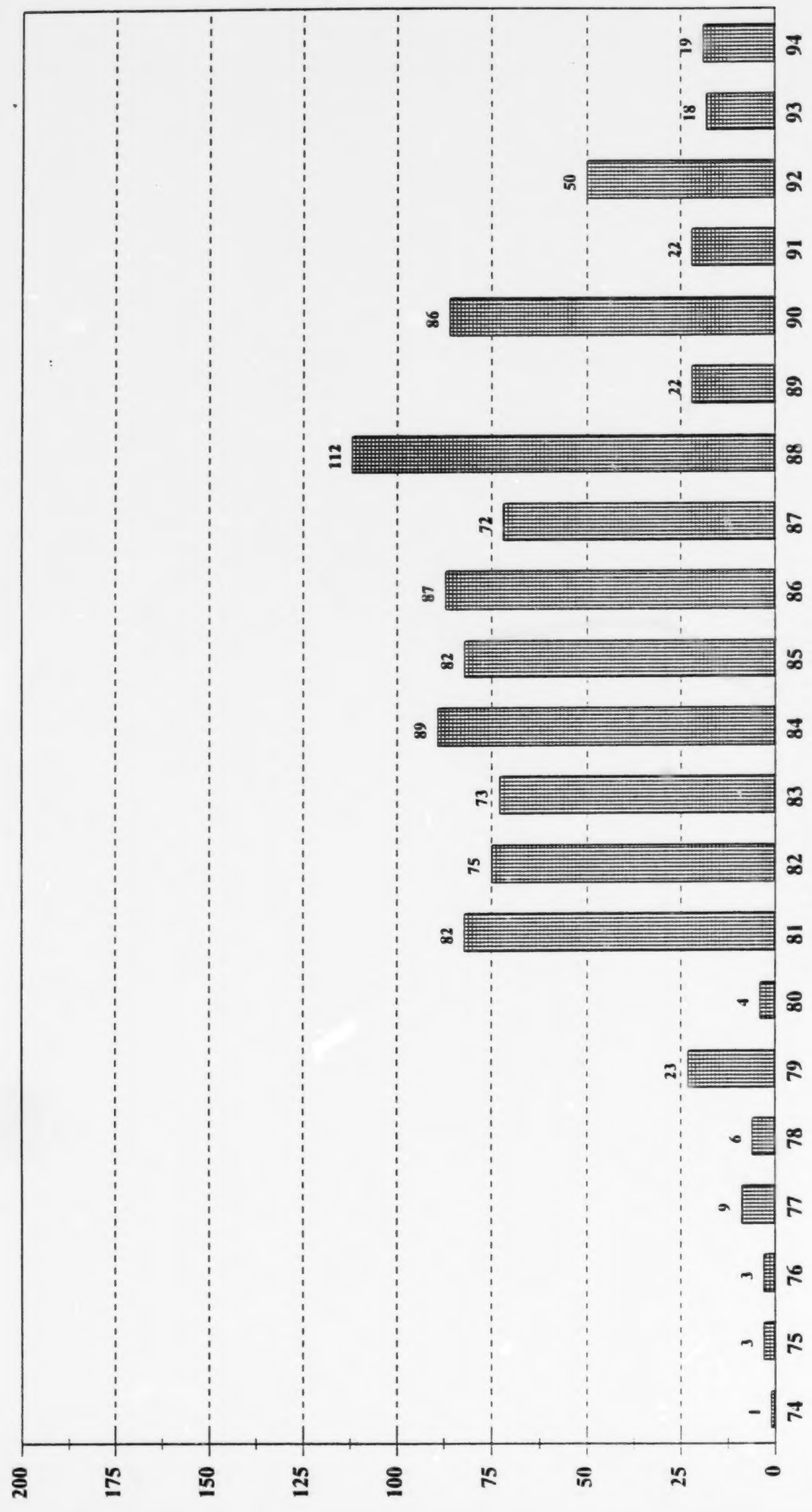
DISAPPEARANCES IN CHILE
OVER THE PERIOD 1973 - 1994



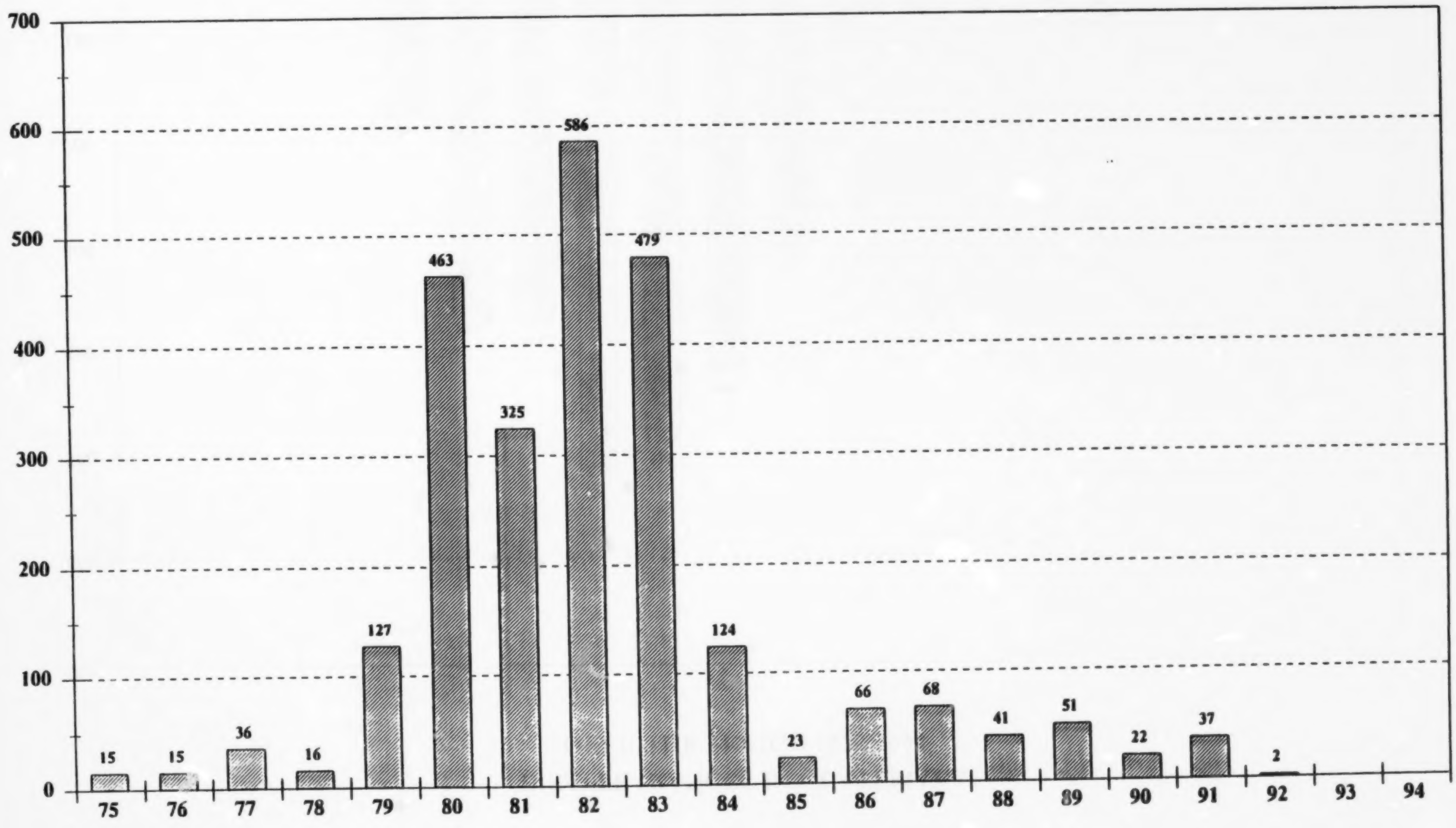
DISAPPEARANCES IN CHINA
OVER THE PERIOD 1974 - 1994



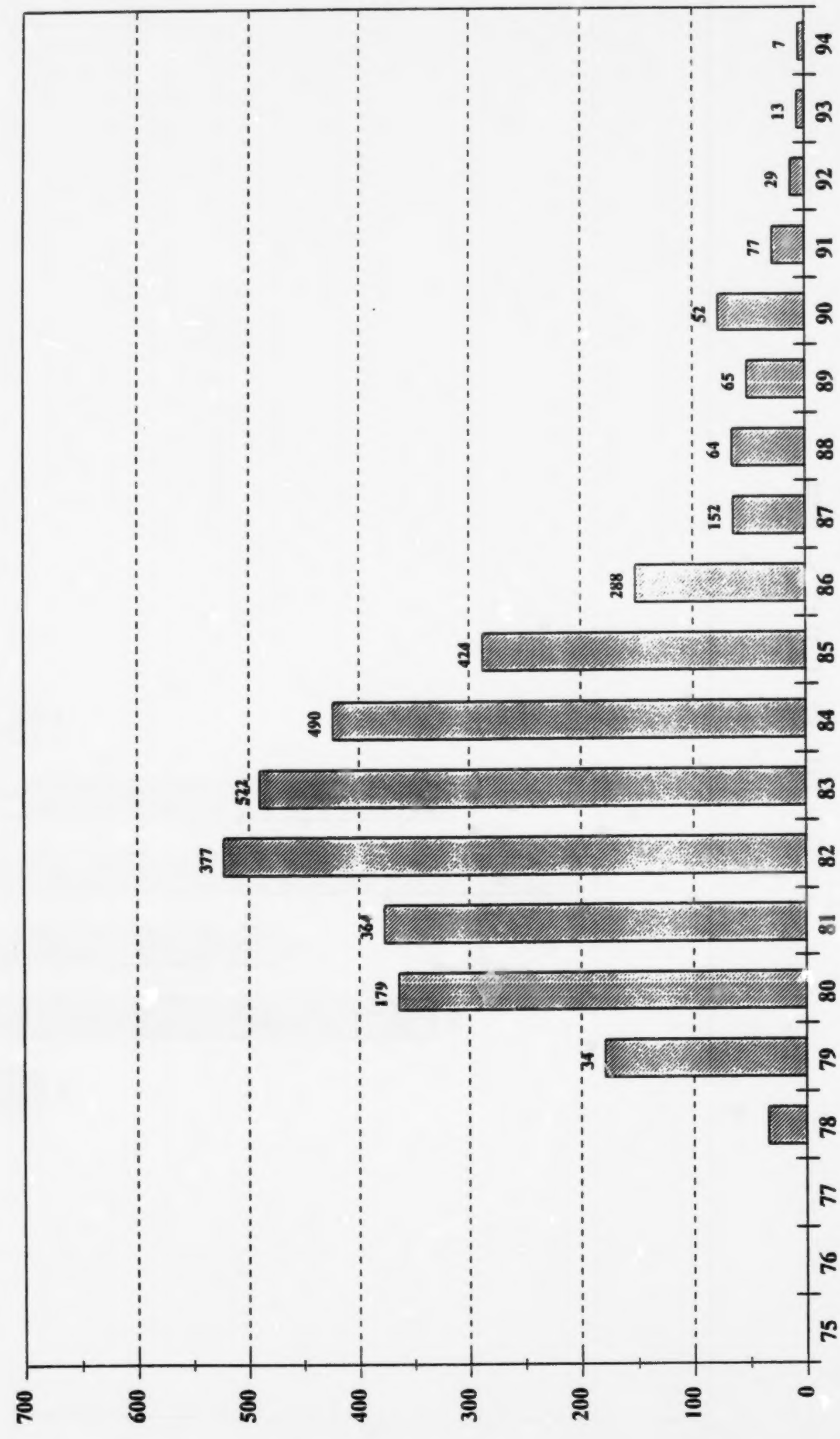
DISAPPEARANCES IN COLOMBIA OVER THE PERIOD 1974-1994



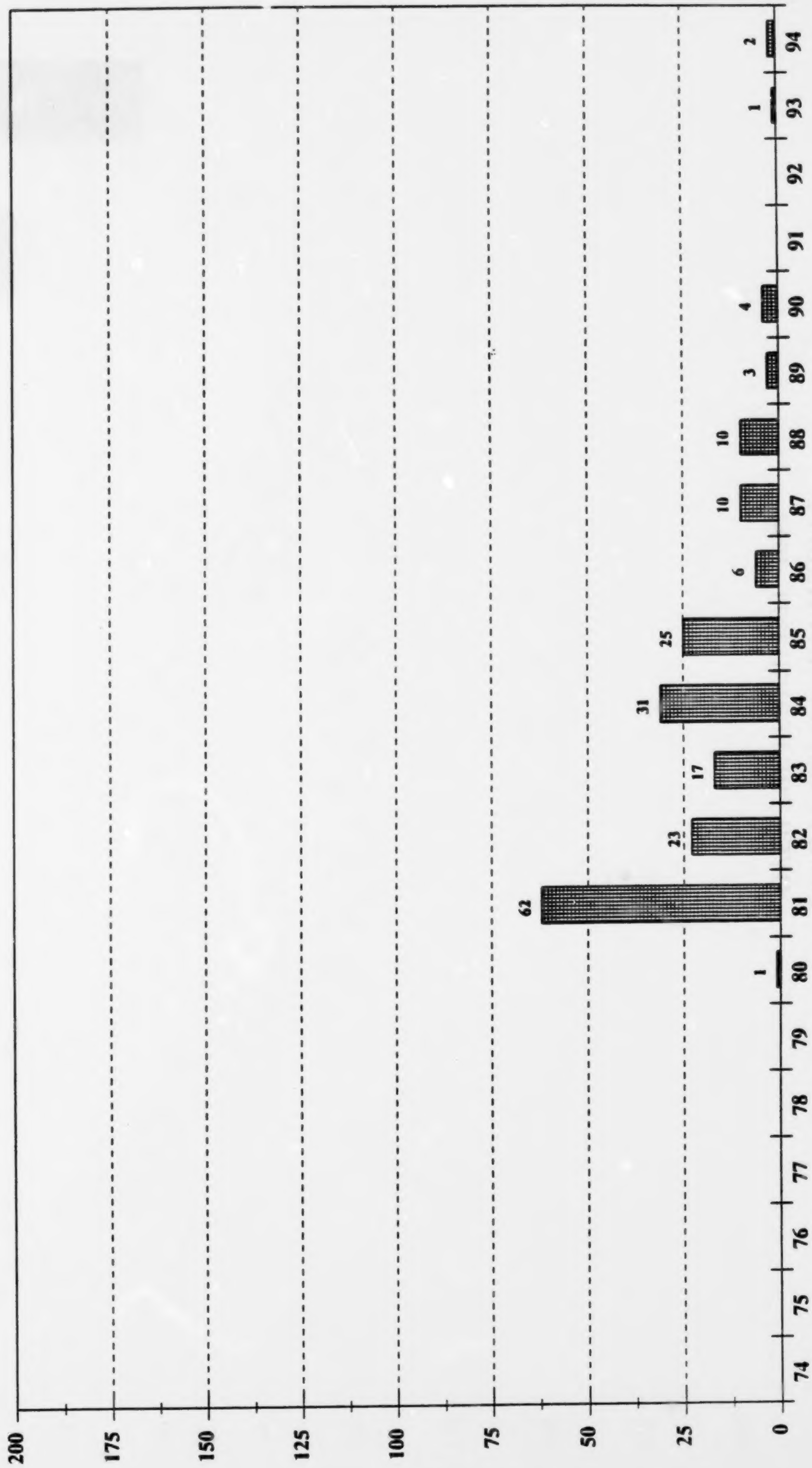
DISAPPEARANCES IN EL SALVADOR
OVER THE PERIOD 1975 - 1994



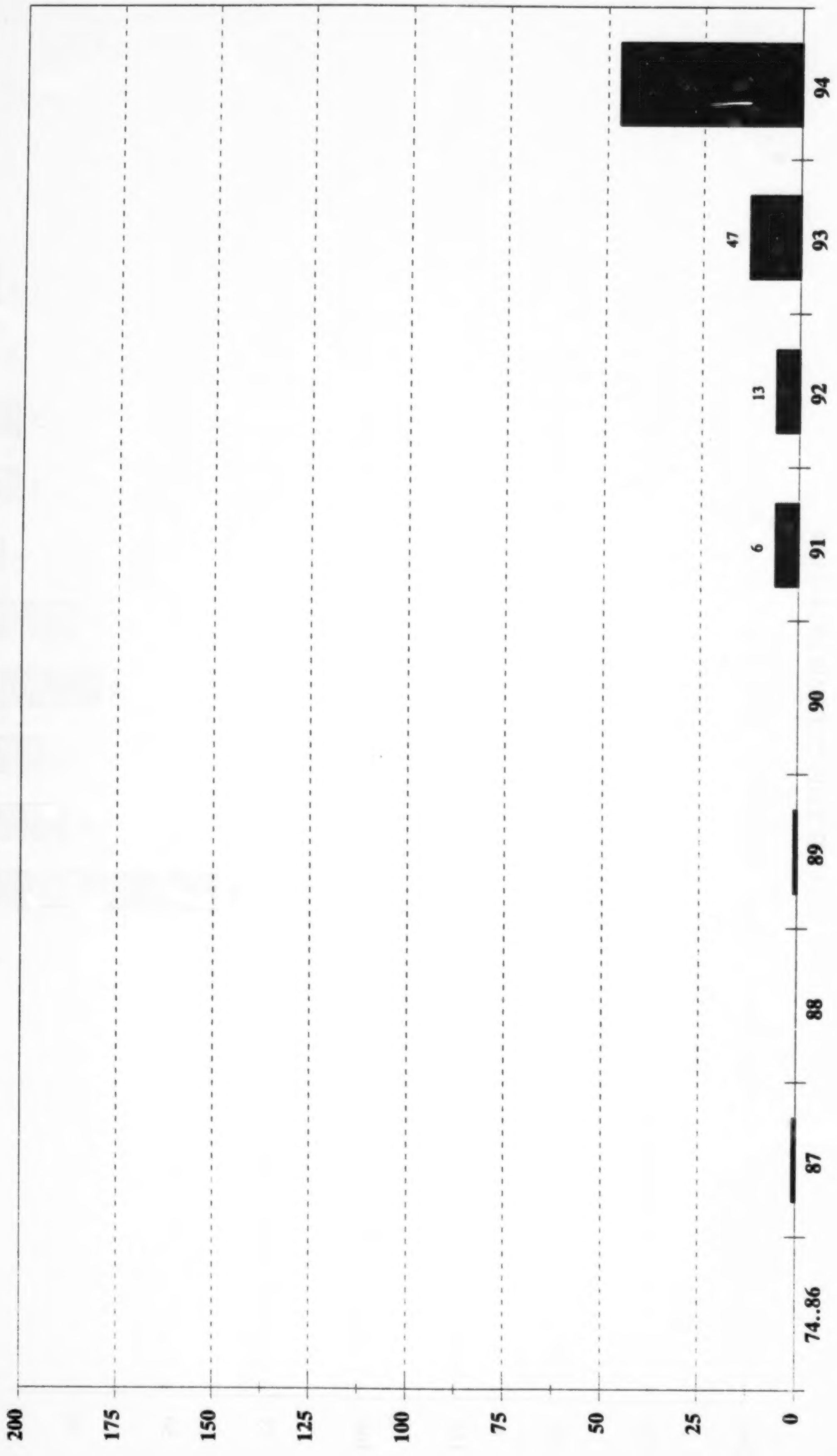
DISAPPEARANCES IN GUATEMALA
OVER THE PERIOD 1975-1994



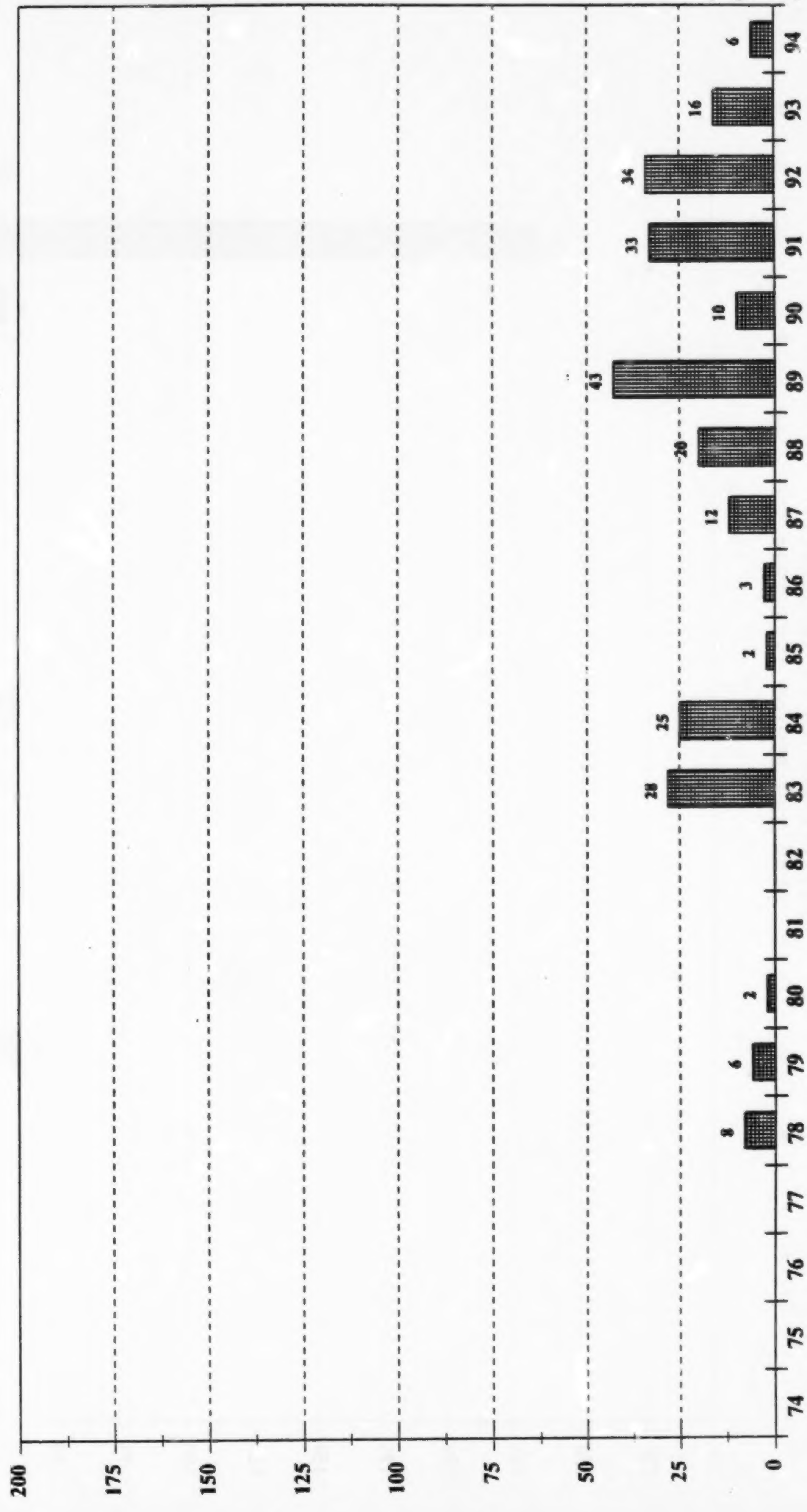
DISAPPEARANCES IN HONDURAS
OVER THE PERIOD 1974 -1994



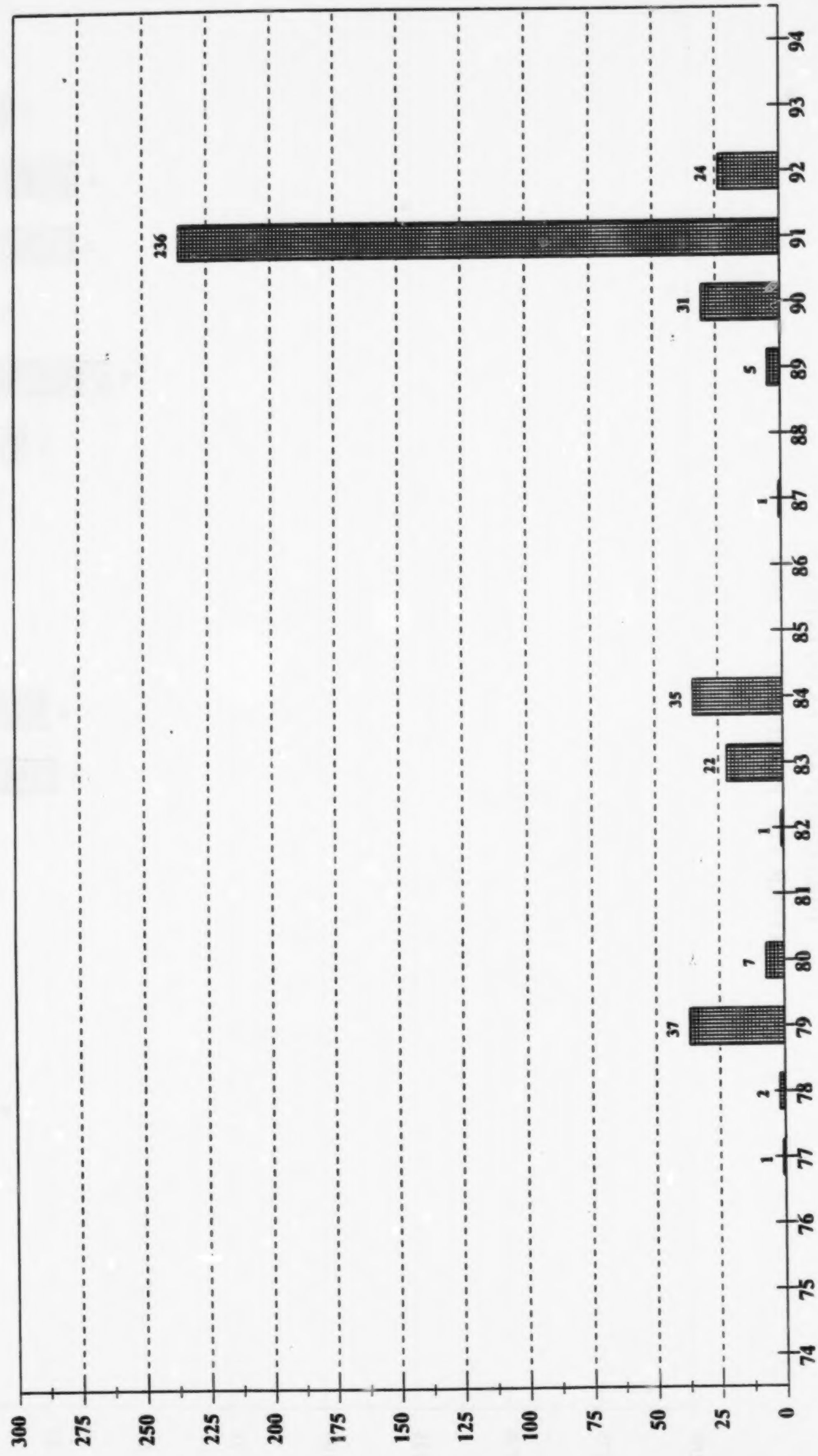
DISAPPEARANCES IN ETHIOPIA
OVER THE PERIOD 1974 - 1994



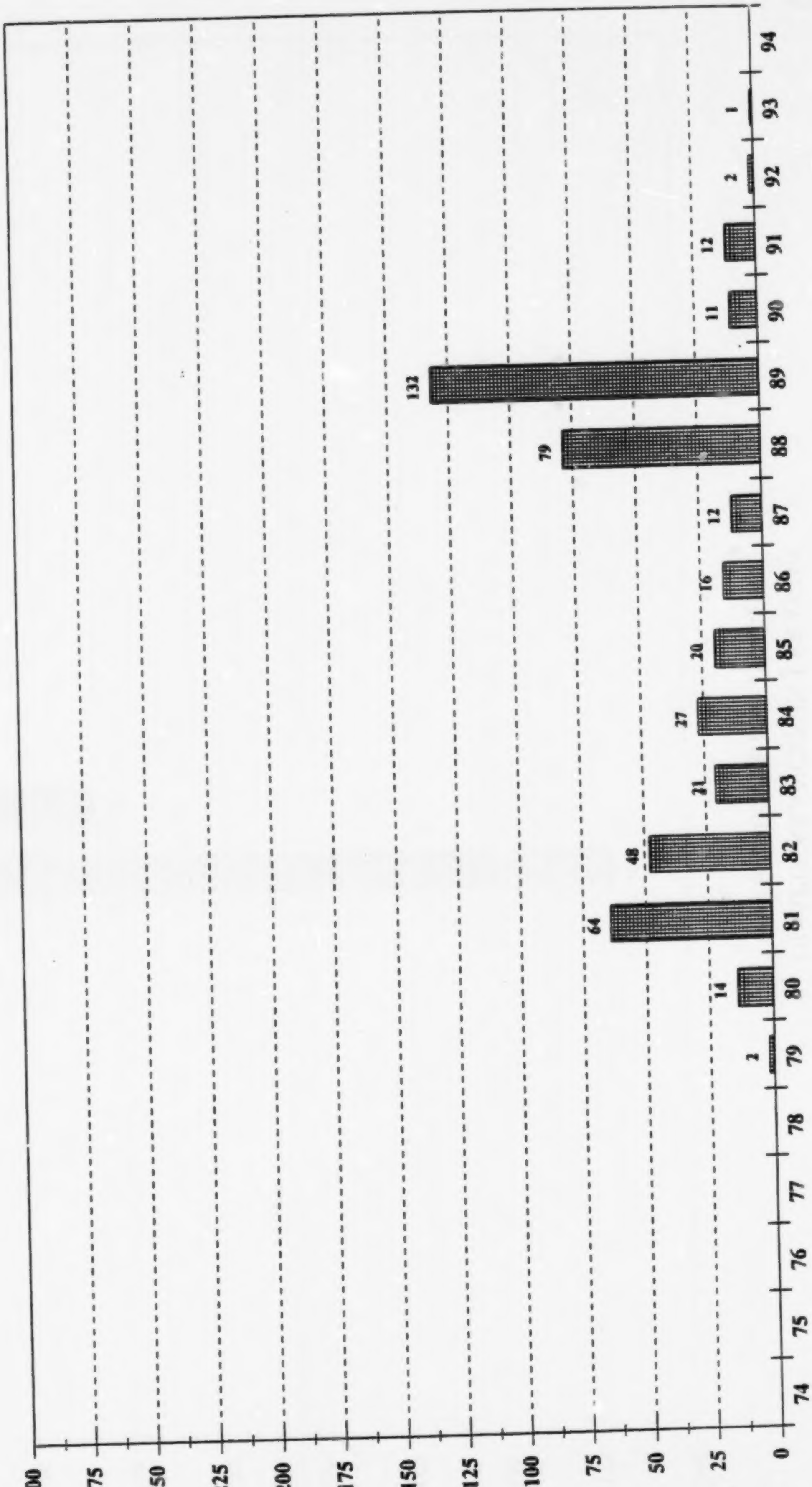
DISAPPEARANCES IN INDIA
OVER THE PERIOD 1974 - 1994



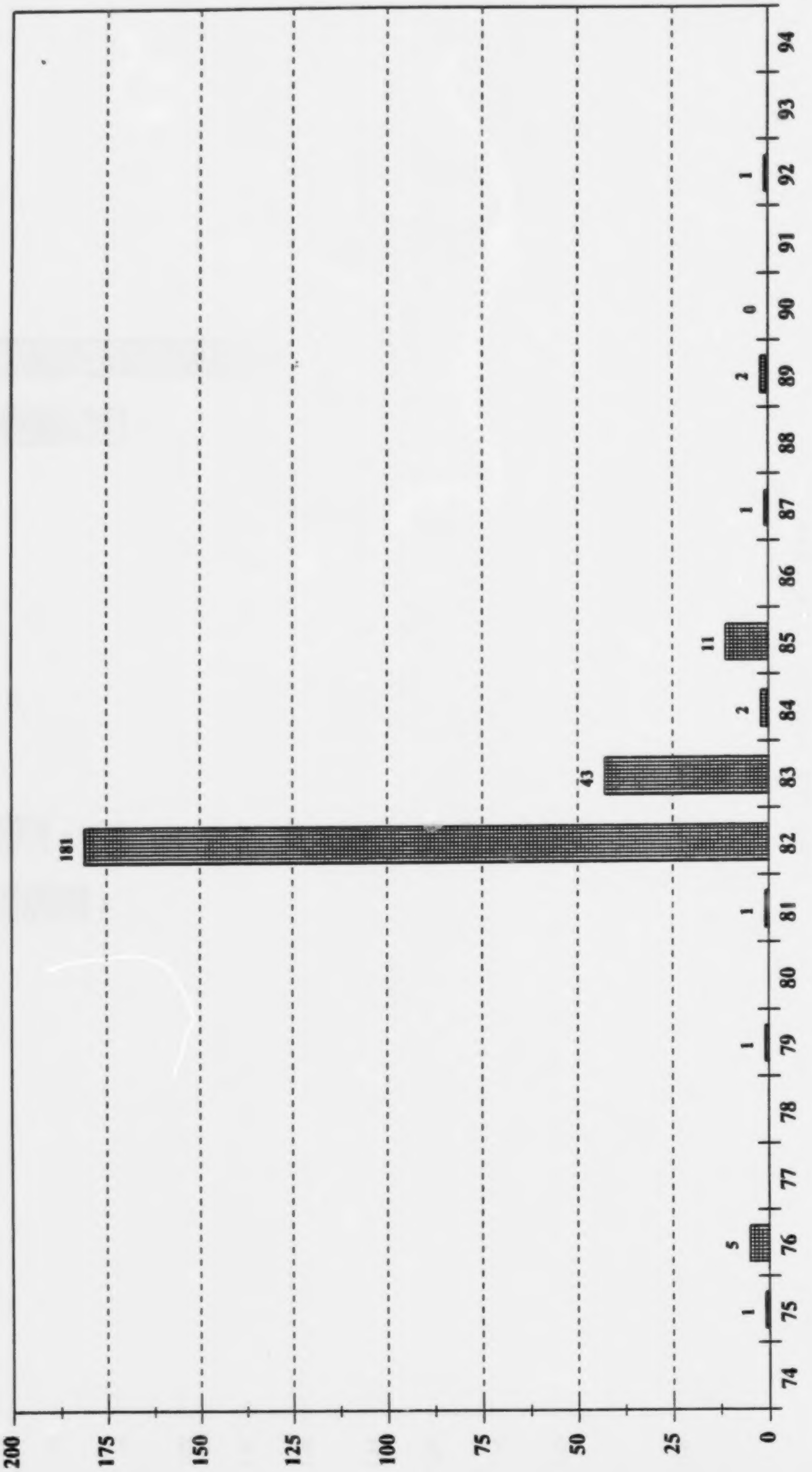
DISAPPEARANCES IN INDONESIA
OVER THE PERIOD 1974-1994



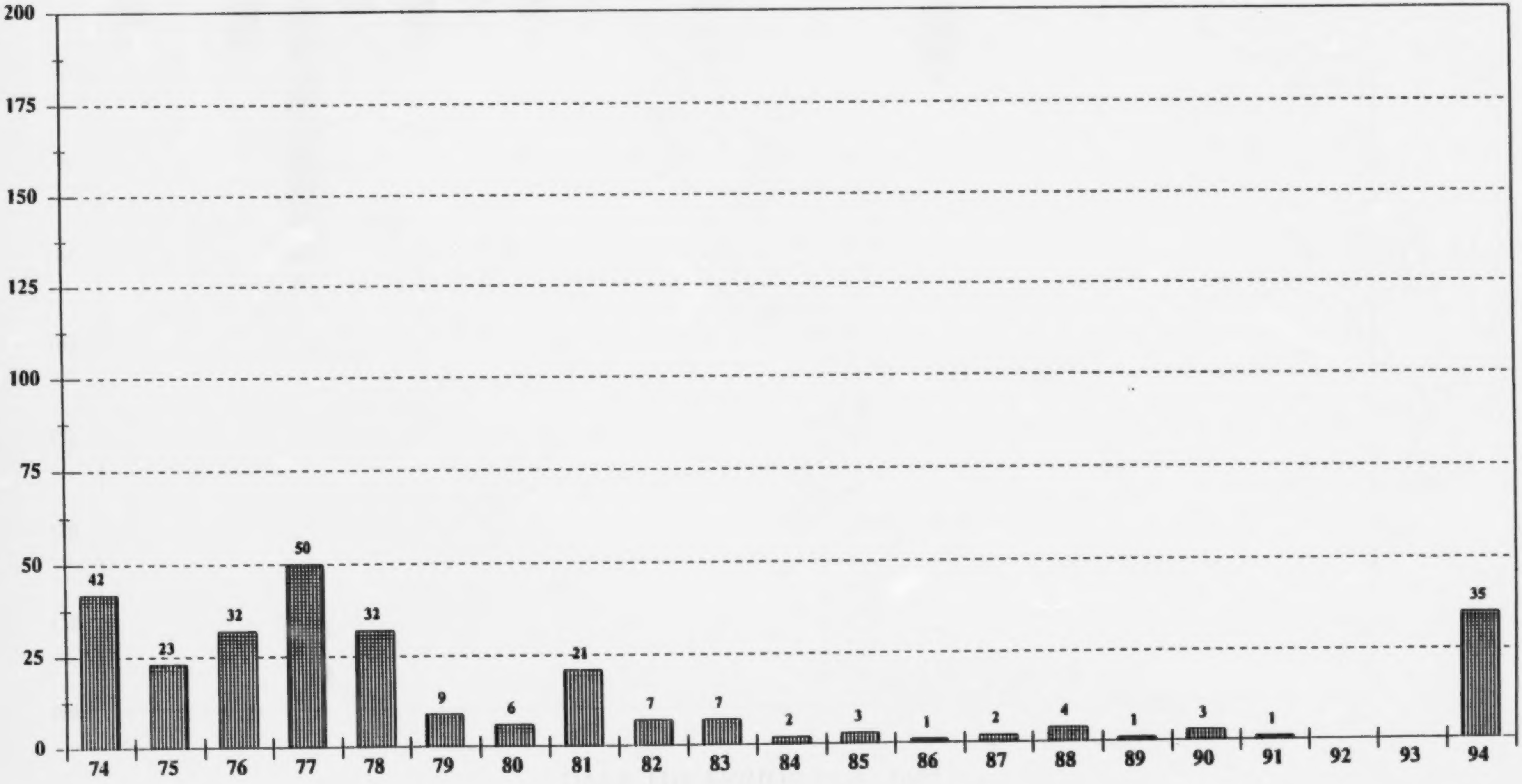
DISAPPEARANCES IN THE ISLAMIC REPUBLIC OF IRAN
OVER THE PERIOD 1974-1994



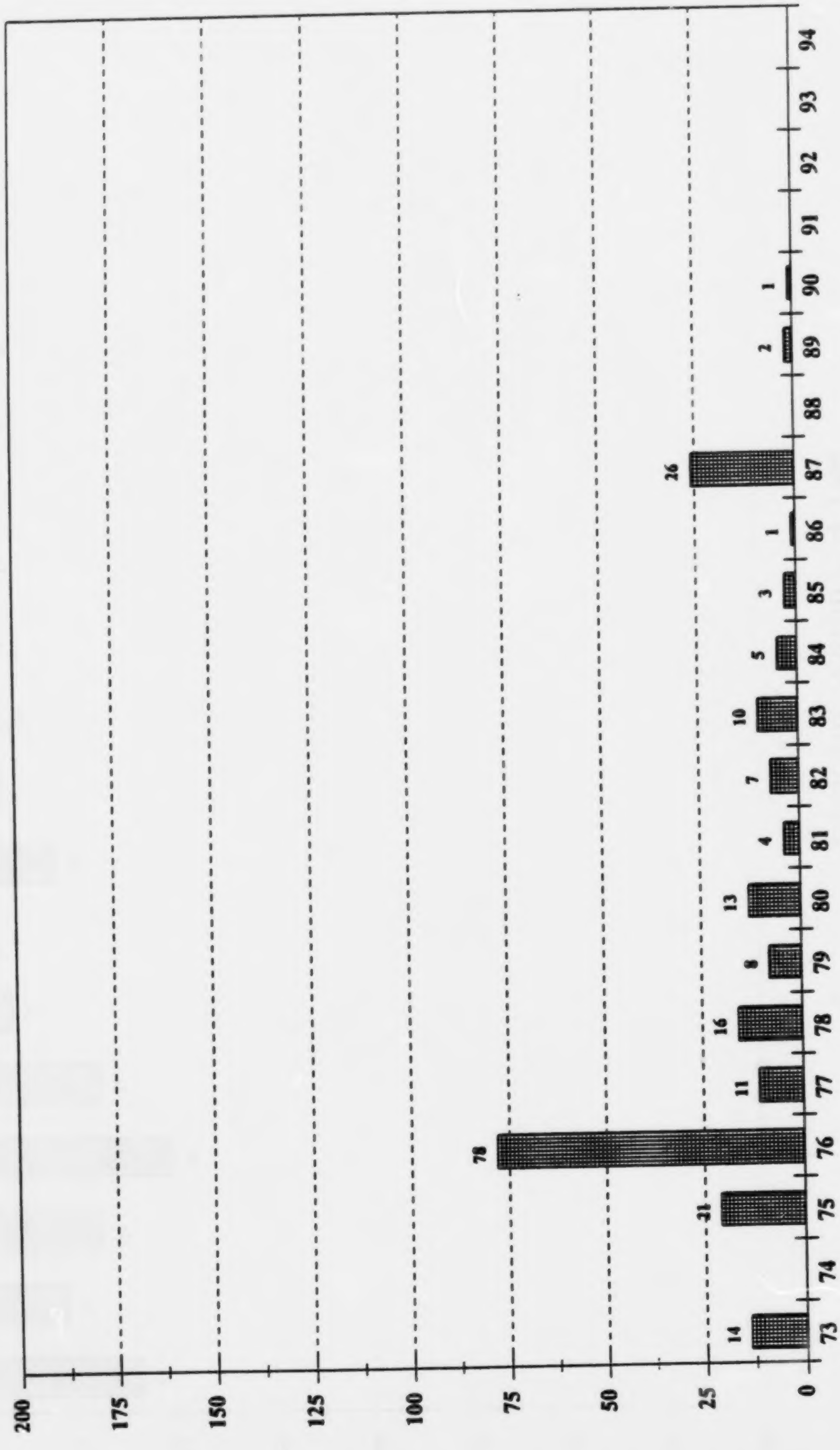
DISAPPEARANCES IN LEBANON OVER THE PERIOD 1974 -1994



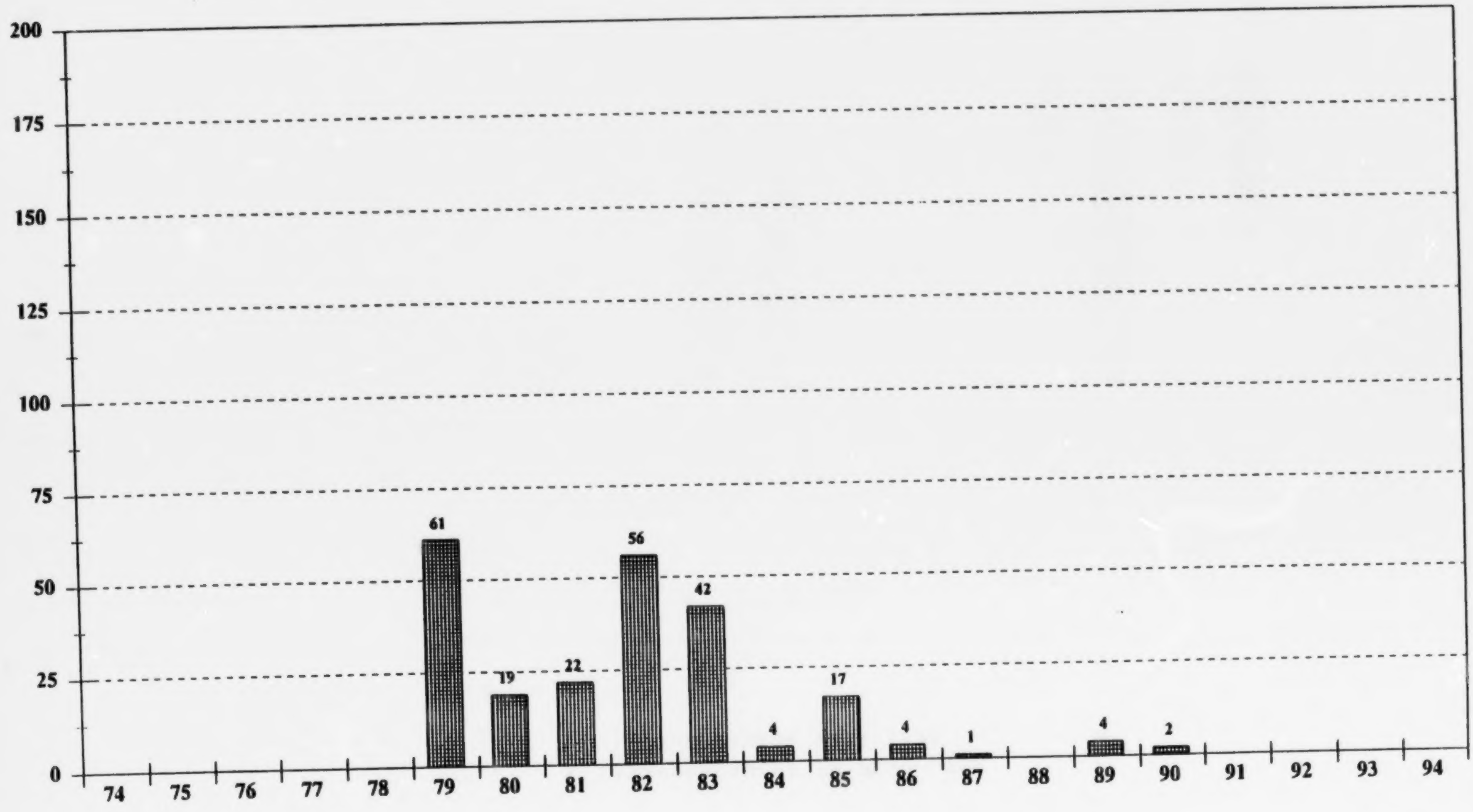
DISAPPEARANCES IN MEXICO
OVER THE PERIOD 1974 -1994



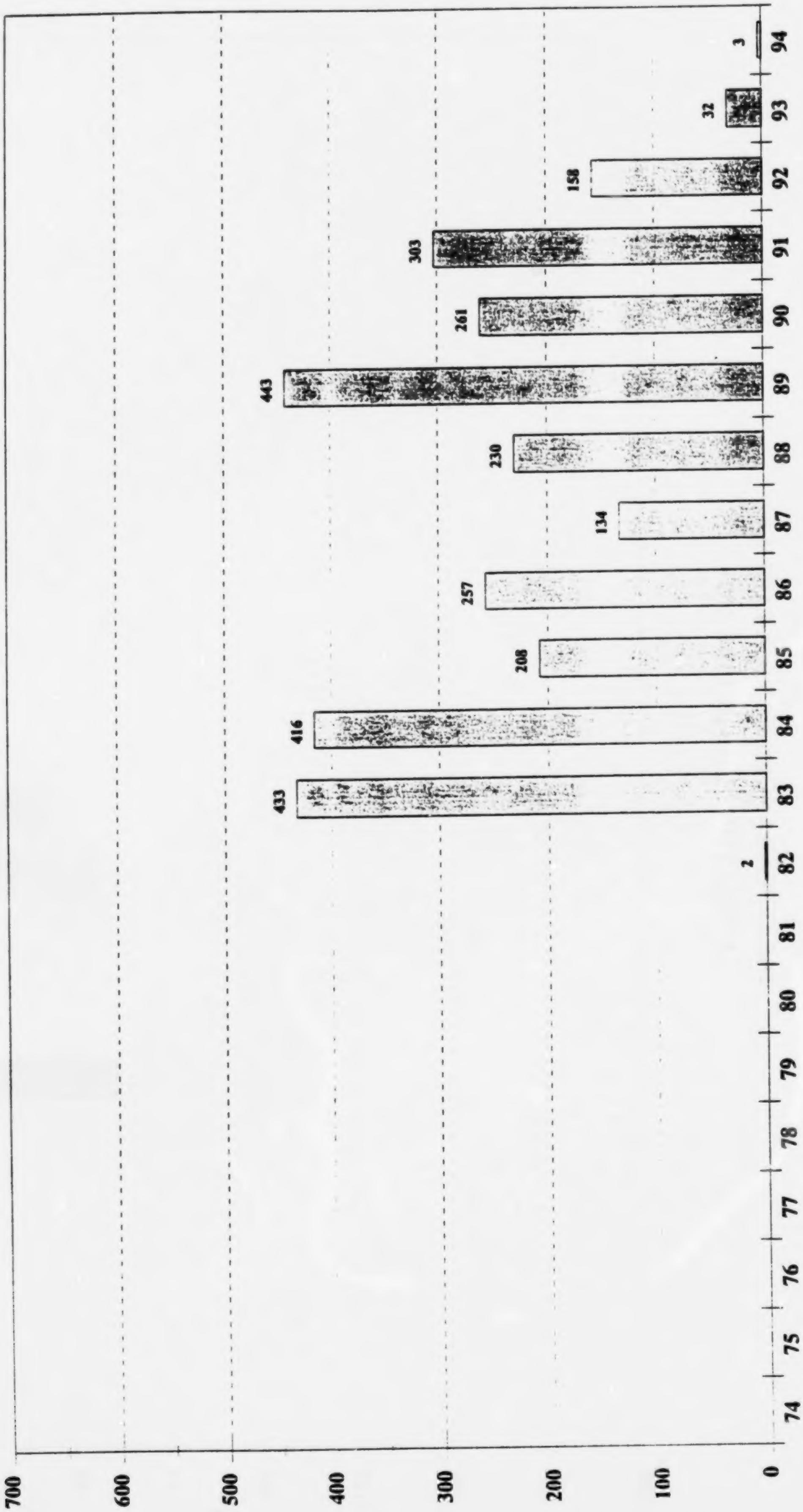
DISAPPEARANCES IN MOROCCO
OVER THE PERIOD 1973 - 1994



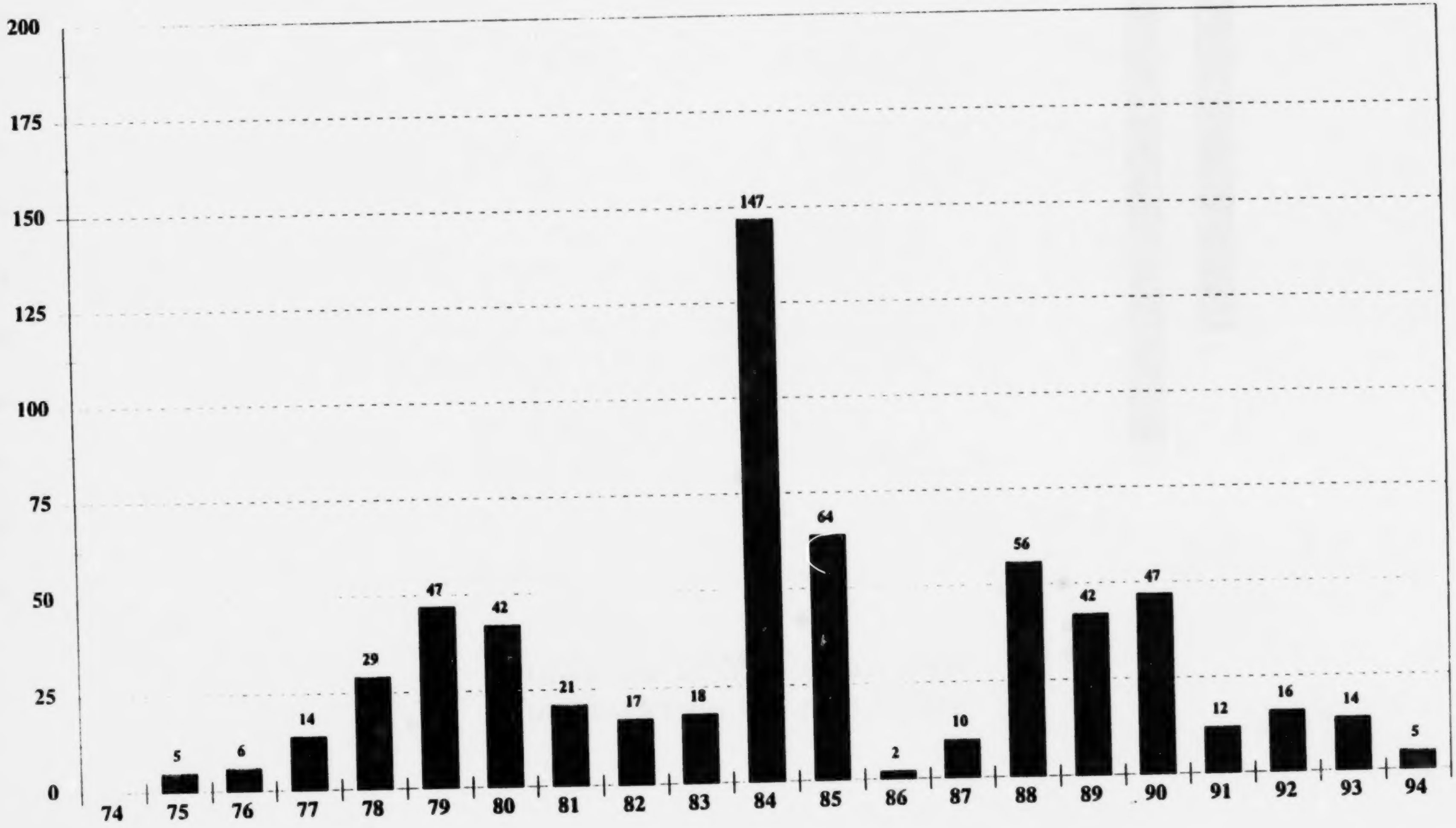
DISAPPEARANCES IN NICARAGUA
OVER THE PERIOD 1974 -1994



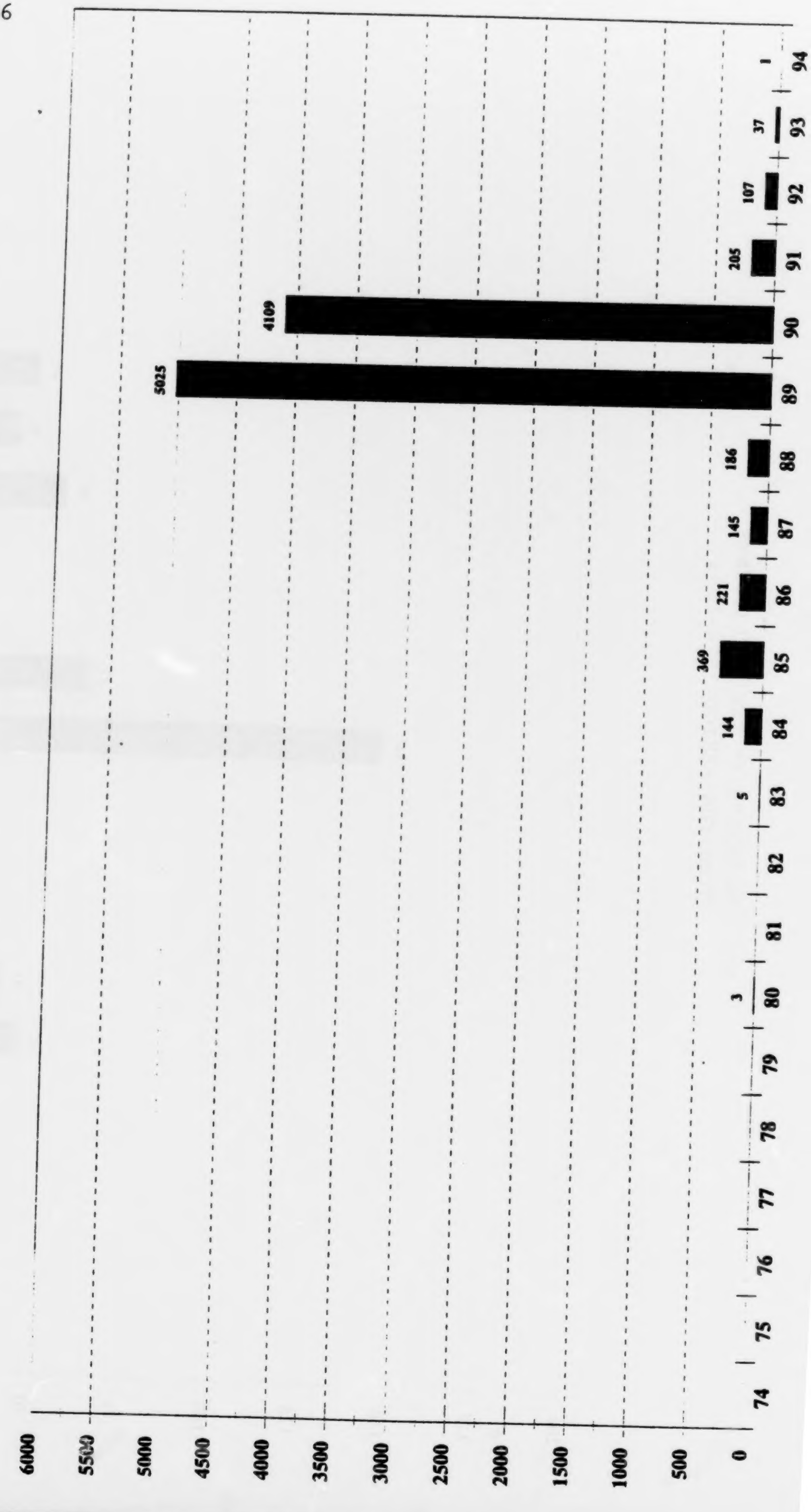
DISAPPEARANCES IN PERU OVER THE PERIOD 1974-1994



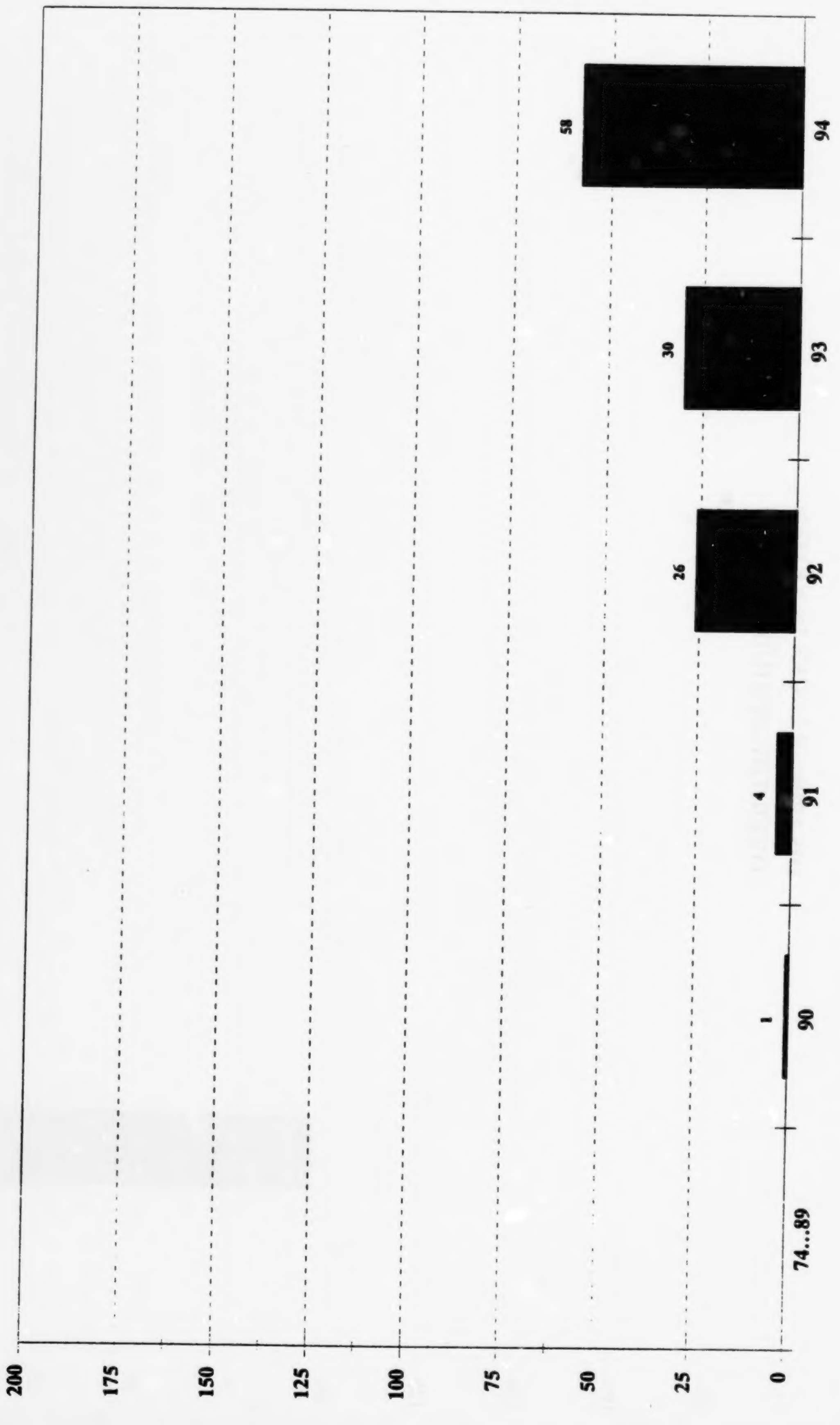
DISAPPEARANCES IN THE PHILIPPINES
OVER THE PERIOD 1974-1994

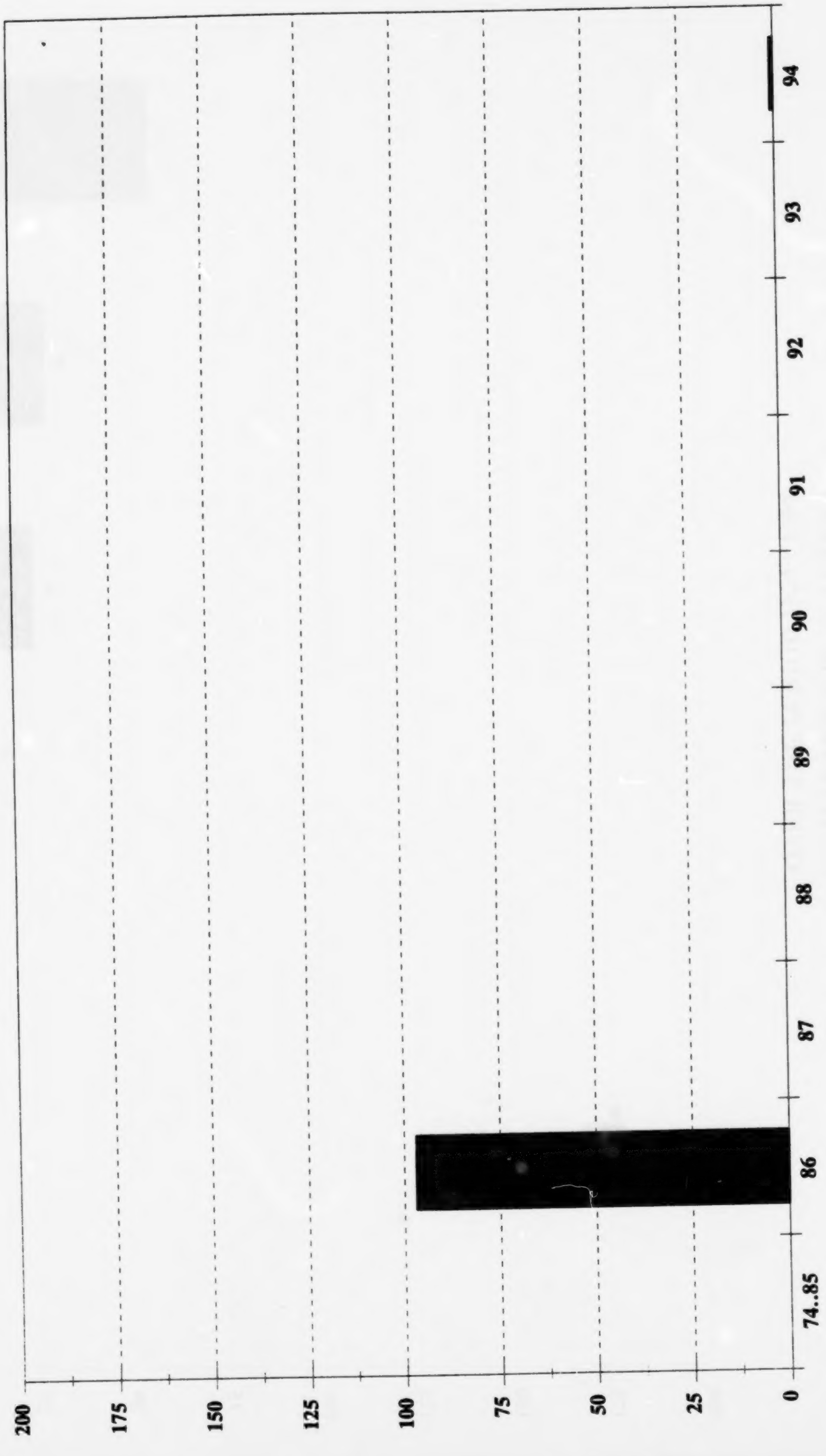


DISAPPEARANCES IN SRI LANKA OVER THE PERIOD OF 1974 - 1994



DISAPPEARANCES IN TURKEY
OVER THE PERIOD 1974 - 1994



DISAPPEARANCES IN YEMEN OVER THE PERIOD 1974 -1994